

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
August 14, 2014

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre
Mr. Dooly
Mr. Kilmartin
Mr. Nikow
Mr. Kiky Kim, 1st Alternate
Mr. Surace, 3rd Alternate

Absent:

Ms. Rosenberg
Mr. Chinman
Mr. Trovato
Mayor Parisi
Councilman Aversa
Mr. Duffy, 2nd Alternate
Mr. Sean Kim, 4th Alternate

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Michael Kates, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorneys.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Flag Salute led by: Mr. Nikow

The minutes of June 12, 2014, July 10, 2014 & August 4, 2014 meetings motioned by Mr. Kilmartin seconded by Mr. K. Kim were approved by voice vote.

Old Business:

Application #223K - Site Plan Approval w/Variances
Investors Bank - 19 Sylvan Avenue - Block 134 - Lot 2
Denied – Resolution

Mr. Kates announced that the resolution was not completed in time for the meeting and will be put on the agenda for the next meeting.

Application #2226K - Sign Variance
CFI 221, LLC/Bergen Protective Systems
325 Sylvan Avenue - Block 412 - Lots 2
Approved – Resolution

Mr. Kates, Board Attorney, read the resolution which is incorporated herein as though fully stated and made a part hereof. Mr. Kilmartin made a motion to adopt this resolution, seconded by Mr. Surace. The Chairman asked for a roll-call vote of the members that were eligible to vote: E. Fehre, R. Kilmartin, Mr. K. Kim, and Mr. Surace, they each voted to adopt this Resolution; it was unanimous.

Application #232K - Height "D" Variance
Bong I. Jung, d/b/a Bridgestone Construction, Inc.
60 Sherwood Avenue - Block 405 - Lot 3

See attached transcripts.

New Business:

Application #233K - Site Plan Approval with Variances
Bank of New Jersey
744 Palisade Avenue - Block 512 - Lot 4,5,6

Mr. Mark Skolich, of Skolich Law, Fort Lee, NJ on behalf of Bank of New Jersey application. Mr. Skolich described the location as Block 512 Lot 4,5,6, 744 Palisade Avenue the old bank site. Mr. Skolich stated that his client has a lease holding with the property owner and the property owner has given consent for not just one lot but all three lots for this application. Mr. Skolich also stated that there was a prior resolution for the Bank of New Jersey in front of this board. Mr. Skolich gave a brief description of the prior application/approval that was in front of the board several months ago. The prior application was for only block 512 lot 4. Since then they have been able to obtain lot 5 and 6 which includes parking and a drive thru facility. We are back at the board to request an expansion to the existing one story building to create a second story above it creating a 12,000 sq. ft. building, and to incorporate additional parking on lots 5 & 6. Also to use the drive thru facility which is on lot 6. The zoning ordinance where the property is now the drive thru facility is a conditional use which is effectively a permitted use provided you comply with the conditions. It is the position of the applicant that we comply with those conditions.

Mr. Kates stated what was previously approved was a site plan with variances that went with the land. There are no undoing of that.

Mr. Skolich stated that is correct.

Mr. Kates questioned are you changing the architecture of the lot 4 building in any way? Mr. Skolich stated yes.

Mr. Kates questioned does it impact on variances at all? Mr. Skolich stated yes it will trigger variances.

Mr. Kates stated so we have new variances and it is a conditional use permit application because you say you comply with the conditions? Mr. Skolich stated that they comply with those conditions and if at any time any come up they will address them.

Mr. Kates questioned that this is almost like a redo? Mr. Skolich stated yes it is almost like a redo. We are going to effectively duplicate that which was previously approved on the ground floor and then add a second floor, which is not retail it will be strictly loan officers by appointment only limited to employees. There will be conference rooms and storage area. So we are asking for the adding of the second floor and amending lots 5 & 6 at the same time which was all part of the original retail banking facility.

Mr. Fehre questioned if we had granted a parking variance before? Mr. Skolich stated that there was no parking variance requested before, but on this application there is a request for a parking variance.

Mr. Skolich called his first witness Mr. Calisto Bertin, Bertin Engineering, 66 Glen Avenue, Glen Rock, NJ.

Mr. Bertin described the site and how it exists as of today. There are 3 lots with one lot having a single story 6,400 sq. foot building, a parking lot with 48 parking spaces and a canopy with three drive thru.

Mr. Bertin gave a description of the prior approval from the board which he stated has nothing to do with the present application.

Mr. Skolich marked as exhibit A-1 a color rendering prepared by Architectura dated 1/3/13 last revised date of 6/12/14.

Mr. Bertin stated that this is a view from East Palisade Ave. going in a south easterly direction. The proposal is to add a second floor to the existing building which is 6,430 sq. feet. The additional second floor will be 6,643 sq. feet for a total of 13,072 sq. feet.

Mr. Skolich marked as exhibit A-2 the Landscape Rendering with color dated 4/11/14.

Mr. Bertin described that this is in the B-4 commercial zone where banks are permitted but banks with drive thru are a conditional use. The existing footprint of the building will stay as is. There is a driveway which is an entrance only on Palisade Avenue. We propose this time to use the entire lot. We are keeping the existing site as is. The canopy over the drive thru currently exists. We are making a few minor changes. They will be adding a sidewalk on the west side of the building to allow people to go from the parking lot to Palisade Avenue. They will be doing some landscaping. They will be modifying the driveway on Hudson Terrace and some lighting and other landscaping. From the site stand point we have the one driveway from E. Palisade Ave. and two driveways on Hudson Terrace. We are going to modify the driveway into the parking lot as a two way driveway. The drive thru lanes will be a one way driveway that exists. They will have some off site street improvements like handicap ramps and sidewalks. The drive thru existing has 3 drive up lanes we will be changing it to 2 and one pass lane. Another condition is to have stacking for 4 vehicles on each lane. Site plan shows that we have room for 5 vehicles plus one at the drive thru so we really have 6 vehicles that can stack.

Mr. Skolich asked Mr. Bertin about the prior application having slanted parking spaces at the entrance off of Palisade Ave. that they will not be there any longer. Mr. Bertin agreed and stated we are not proposing them on this application. We felt it was not needed since we will have 47 parking spaces. There is 48 existing, but we had to add the stripping for handicap so we will have 47 spaces. This is what is triggering a parking variance since we are in need of 60 spaces as per the ordinance.

Mr. Skolich asked Mr. Bertin if the applicant will be resurfacing and restriping the entire lot. Mr. Bertin stated yes.

Mr. Bertin stated in comparison to the prior approval we will be keeping the sidewalk along the building. In the prior application we had a 3' stripped area.

Mr. Skolich questioned Mr. Bertin on how many cars can queue on the drive thru lanes. Mr. Bertin stated 6.

Mr. Skolich questioned Mr. Bertin on the site now if there is any type of drainage system or other utilities. Mr. Bertin stated there is a drainage system on site and they will keep it as is. The site is somewhat flat but flows to the northeast corner. In the engineer's review letter he had suggested instead of putting in a retention system maybe to dispose some of the drainage onto the lawn or put in a drywell. We are only increasing the coverage by a couple 100 sq. feet for the additional sidewalk. We are really not changing the site. We had proposed to put in a subsurface retention system but in the engineer's review letter he had suggested to get rid of that and discharge some of the roof water onto the lawn.

Mr. Skolich asked if there is a utilities system report and was it submitted. Mr. Bertin stated that all the utilities presently on the site are sufficient for the changes that will be made.

Mr. Mirandi questioned Mr. Bertin in regards to the utility plan if there will be any street opening permits required or are you going to use what is existing. Mr. Bertin stated they are planning on using the existing and feels what is there will be sufficient.

Mr. Bertin stated the electric and gas will be coming off of Hudson Terrace and the drainage will be going out that way.

Mr. Skolich questioned Mr. Bertin in regards to the landscaping of the property. Mr. Bertin stated that all of the trees along the street line will remain they are planning on redoing all plantings around the building. Mr. Skolich stated that the applicant will comply with any additional suggestions in regards to landscaping from the Borough Engineer, or Tree Commissions.

Mr. Bertin described the lighting that will be put on the site. There is two utility poles with lighting that will stay in the island on the parking area. We will be adding lighting in the parking lot area which will be LED lights. There will be some building lights to light the parking area and some on the front of the building as well.

Mr. Bertin described the 3 signs which were previously approved. There will be one monument sign and two building signs.

Mr. Bertin stated the following variances for this application are one for number of parking spaces. We need 66 we have 47. Second one is for no parking within 5' of the lot line and on Hudson Terrace which there is parking right up to the lot line. Third is no parking within 10' of the street.

Mr. Skolich questioned Mr. Bertin if the last 2 items are existing conditions. Mr. Bertin stated yes.

Mr. Bertin stated that there is one more and that is parking in the front yard setback which we have along Hudson Terrace and Kahn Terrace which are also existing conditions.

Mr. Skolich questioned if he had reviewed the letter from Mr. Mirandi dated 6/11/14 and if any requested changes on the letter you feel the applicant cannot comply with. Mr. Bertin stated no these requests will or are already able to comply with.

Mr. Skolich questioned Mr. Bertin if he had any objection to the letter from the ECFD dated 6/25/14. Mr. Bertin stated no.

Chairman Fehre questioned Mr. Bertin on what the imperious coverage would be for the property. Mr. Bertin stated 75% for the entire lot. The prior approval was at 84% so this would be much better since we are adding more green.

Mr. Nikow questioned on where the dumpsters would be located. Mr. Bertin stated there will not be any since the bank will have daily pick up.

Mr. Kates questioned if they had submitted and received approvals from the County or any other require affiliates. Mr. Bertin stated that they had submitted the prior approval to the County and just received their letter. They have not and do not foresee any issue when submitting this plan. We decided to come to the board before submitting but will submit.

Mr. Kilmartin questioned the width of the drive thru lanes and if appropriate. Mr. Bertin stated that each one is 8' wide so that the cars can fit through. The lanes up to the drive thru one will be 10' the other to be 12'.

Mr. Kates questioned if there will be any walk up ATM's. Mr. Skolich stated that there will be one ATM and 2 will be functioning with the bank.

Chairman Fehre stated that across the street on Hudson Terrace we have a problem here in that nobody is taking care of it at least half of the length of your property. The north half is grass and the PIP takes care of it but on the southern half it is a complete mess. The fence is falling apart. It would do your site justice to voluntarily clean that up possibly with minimal landscaping. Mr. Skloich agreed and stated it will be done. Chairman Fehre stated that he is going to try to contact someone to take care of the fencing not for your applicant to handle. Mr. Skolich stated that his applicant would be willing to even replace the fencing subject to approval from the proper authority.

Mr. Nikow questioned the lighting mounted on the utility pole that they are rather unsightly and if there is any objection to removing them and using more of a LED type light. Mr. Bertin stated that he felt he shouldn't volunteer to remove that lighting but he could ask the applicant. He stated that maybe put another lamp type light there.

Mr. Mirandi questioned Mr. Bertin on the moving of the driveway on Hudson Terrace and if they will be reconfiguring the curbing. Mr. Bertin stated yes we are moving it 12'south. Mr. Mirandi stated that Palisade Avenue and Hudson Terrace are on the County's agenda to be repaved. Hudson Terrace will be first and most likely done before this winter. Palisade Avenue we are not aware of when it will be done. Mr. Mirandi suggested that if the Board is in favor of this that they should try to do the minor work prior to the paving of these roads.

Mr. Skolich called Mr. Conrad Roncati, Architectura, 2 Executive Dr., Fort Lee, NJ as next witness.

Mr. Roncati described the rendering marked as A-1. The first application for this project was for a renovation of the existing building. We are now asking for a two story which is just an extension of the original design. The second floor is the same as the first floor with just a small addition of a bump out glass window. The building will be similar on all four sides. Mr. Roncati went over the signage which was approved on the first application.

Mr. Kates questioned if the prior application had multiple signs? Mr. Roncati stated the prior application had the exact same signs two wall mount and one monument. The size and type of signage is the same we are just locating them slightly in a different location.

Mr. Roncati stated the usable sq. footage of the building is not a doubling of the first floor since there now is an elevator and two fire stairwells added.

Mr. Roncati stated that there will be a drive up ATM at the drive thru and there will be a walk up ATM with the secured lobby of the bank. Mr. Roncati stated that the second floor of the building will be all administrative areas of the facility. The first floor will be a portion of retail operation and the other portion will be administrative and the vault. There will be 15 employees on the first floor and 10-12 employees on the second floor. They are anticipating 25-27 employees on the site. Mr. Roncati stated the height of the building will be 25' to the roof and 28' to the parapet where the zoning requirement is 35'. They are using the parapet to screen all of the air condition units and generator.

Mr. Roncati stated that the canopies for the drive thru are not going to be any taller, wider, or deeper then what is existing. We intend on resurfacing to match the building. It will only be a renovated.

Mr. Kilmartin questioned if there will be any signage on the canopy (drive thru). Mr. Roncati stated no there will not be any corporate logos etc. only the signage that exists will be updated.

Mr. Surace questioned if there will be any solar panels. Mr. Ronati stated no.

Mr. Skolich called his next witness Mr. Louis Luglio, 160 Hillcrest Ave., Leonia, NJ.

Mr. Luglio stated he reviewed all the plans and visited the site to go over the traffic and parking for this application. He stated that there will be approximately 48 people coming in and out of the site during the peak hours (pm).

Mr. Luglio described the ingress and egress of the site and all the aisle sizes. Emergency vehicles can gain access to the site via 2 locations. The parking requirements and that they are proposing one more spot then what is required by ITE, but only 47 spots which is 19 spots less than what is required by local ordinance. The 47 spots will fill the needs of the site.

Mr. Nikow questioned the slope of the driveway on Hudson Terrace if a fire truck will be able to go in and out without bottoming out. Mr. Luglio stated the he feels it will not happen. Mr. Nikow asked if any type of signage can be placed at the entrances/exists warning of bicycle traffic in the area. Mr. Luglio stated they can come up with some type of signage for that and that we can provide it.

Mr. Skloich called his next witness Mia Petrou, Kenneth Ochab Associates, Fairlawn, NJ.

Ms. Petrou stated that they are seeking approval of an existing conditional use for the drive thru area of the bank for the new bank to use. She described the site which was done previously from prior witnesses. They comply with all drive thru stipulations.

Ms. Petrou continued her explanation of all variances and how the site would work even with these variances and will not be a detriment to the public good.

Mr. Mirandi made a statement that we had two letters regarding this application and that earlier the applicants attorney and witnesses stated they will stipulate to the conditions of the letters.

Mr. Kates made a statement that he had made a reference in regards to the three signs and that he reviewed the previous resolution for Bank of NJ and that it doesn't treat the three signs as a variance, but with some detective work of the board secretary as a consequence of our review committee meeting we located a resolution of the EC Board of Adjustment docket #1183 dated March 1994 which was marked as BD-1 on the original application of the United Jersey Bank for this site and it was in fact a variance for three signs.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Nikow, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Mary O'Shea, 12 Irving Avenue, Englewood Cliffs, stated that she is glad to see this building to be used as a bank again.

Chairman Fehre asked for a motion to close the public portion. Motion was made by Mr. Kilmartin, seconded by Mr. Nikow and carried unanimously by voice vote.

Mr. Kates listed the conditions of this application:

- Hudson Terrace in despair and to be cleaned up
- Landscaping to be reviewed by Tree Commissions

Removing of light pole
Minor repair to curb to be done before County Paving of roads
Bicycle signage
Employee parking to be denoted on plan.

Chairman Fehre asked for a motion to approve the application. Motion was made by Mr. Kilmartin, seconded by Mr. Nikow. This motion was approved by roll-call vote. 6 Ayes (Mr. Fehre, Mr. Dooly, Mr. Kilmartin, Mr. Nikow, Mr. Kiky Kim, and Mr. Surace,), No Nays, No Abstentions.

Application #235K - Site Plan Approval Roof Top Antenna
NY SMSA Limited Partnership, d/b/a Verizon Wireless
580 Sylvan Avenue - Block 806 - Lot 9

Chairman Fehre announced that this application will be carried to the September 11, 2014 meeting and will not have to re-notice.

Application #240K - Sign Variance
All Pro Motors, LLC
380 Sylvan Avenue - Block 411 - Lot 18

Chairman Fehre announced that this application will be carried to the September 11, 2014 meeting and will not have to re-notice.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Kilmartin, seconded by Mr. Surace and carried unanimously by voice vote.

Carrol McMorrow, 7 Ridge Road, Englewood Cliffs, Questioned Mr. Kates in regards to the process of zoning ordinance changes. She questioned if there was a resolution from the Planning Board in regards to the B2-A Overlay zone.

Mr. Kates stated there was one and that the Planning Board stated it was consistent with the Master Plan.

Ms. McMorrow questioned Mr. Kates in your legal opinion is a resolution required with an ordinance that is being passed by the Council that is not in compliance with the present Master Plan?

Mr. Kates replied only if the Planning Board reported it as being inconsistent with the Master Plan. That's what triggers it.

Ms. McMorrow asked if the Council of 2012 received a resolution from the Planning Board saying that it was consistent or not consistent with the Master Plan?

Mr. Kates stated yes, the resolution was given and that it stated that it was consistent,

Ms. McMorrow stated so it stated it was consistent. So we have heights of 150 feet?

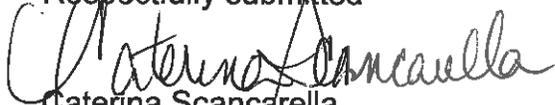
Mr. Kates stated that there was a consistency report from Burgis which was the basis of the Planning Board recommending adoption and saying it was consistent.

Ms. McMorrow questioned Mr. Kates on his position that it was consistent with the Master Plan.

Mr. Kates stated I didn't take that position I am telling you what the Planning Board said. The Planning Board on the basis of the Planner's recommendation reported that the ordinance was consistent with the Master Plan.

Chairman Fehre asked for a motion to close the public portion and adjourn the meeting at 10:37pm. Motion was made by Mr. Surace, seconded by Mr. Nikow and carried unanimously by voice vote.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Caterina Scancarella".

Caterina Scancarella
Planning Board Administrative Secretary

1 PLANNING BOARD,
2 ENGLEWOOD CLIFFS
3 COUNTY OF BERGEN

4 APPLICATION #232K
5 HEIGHT VARIANCE
6 BONG I. JUNG, d/b/a
7 BRIDGESTONE CONSTRUCTION, INC.
8 60 SHERWOOD AVENUE, BLOCK 405, LOT 3

9 -----X
10 Thursday, August 14, 2014
11 Council Chambers
12 10 Kahn Terrace
13 Englewood Cliffs, New Jersey

14 B E F O R E :

15 JEFF CHINMAN
16 DANIEL DOOLY
17 STEVEN DUFFY, 2ND ALTERNATE, absent
18 EDWIN FEHRE, CHAIRMAN
19 RONALD KILMARTIN
20 ANDREW NIKOW
21 JILL ROSENBERG, VICE CHAIRWOMAN, absent
22 VINCENT SURACE, 3RD ALTERNATE
23 SEAN SEUNG KIM, 4TH ALTERNATE, absent
24 KIKY KIM, 1ST ALTERNATE
25 MATTHEW TROVATO, absent

EDWARD AVERSA, COUNCILMAN, absent
MICHAEL B. KATES, ESQ., BOARD ATTORNEY
MAYOR JOSEPH PARISI, JR., absent
CATHY SCANCARELLA, BOARD SECRETARY
BERNIE MIRANDI, BOROUGH ENGINEER

A P P E A R A N C E :

THE LAW OFFICES OF SAVERIO V. CERESTE
BY: SAVERIO V. CERESTE, ESQ.
1624 Center Street
Fort Lee, New Jersey 07024
Attorneys for the Applicant

BETH CALDERONE & ASSOCIATES
CERTIFIED COURT REPORTERS
(201) 288-0277

REPORTED BY: DONNA LYNN J. ARNOLD, C.C.R.

1 W I T N E S S E S

2 BOARD REDIRECT PUBLIC

3 THOMAS W. SCRABBLE
4 BY: MR. CERESTE 8, 25
5 BY: THE BOARD 15

6 STEPHANIE PANTALE
7 BY: MR. CERESTE 29
8 BY: THE BOARD 32

9 DAVID SPATZ
10 BY: MR. CERESTE 34
11 BY: THE BOARD 37

12 THE PUBLIC

13 PERRY KALAJIAN 39
14 374 Forest Drive

15 E X H I B I T S

16 PAGE

17 A-9 Id. Revised Site Plan 6
18 A-10 Id. Revised Architectural Plan 6

1 CHAIRMAN FEHRE: Is your reporter ready?

2 MR. CERESTE: She's ready.

3 CHAIRMAN FEHRE: Okay. To repeat again,
4 this is Application No. 232, 60 Sherwood Avenue, on
5 Block 405, Lot 3.

6 This applicant has been here before, has decided
7 to take another look at their, at their plans and to
8 return to the Board.

9 MR. KATES: Mr. Cereste, do you want to
10 enter your appearance?

11 MR. CERESTE: Yes, Mr. Kates. Severio V.
12 Cereste on behalf of the applicant, Bong Jung who
13 trades as Bridgestone Construction, Inc..

14 This particular application, if I may just
15 provide you with some preliminary information,
16 involved the demolition of an existing split level
17 house at 60 Sherwood.

18 You may recall that the property is unique from
19 a perspective that it had a very traumatic
20 topographical condition in terms of the grade, from an
21 east/west perspective. Depending whether you went
22 diagonally or straight across the property, it can
23 vary anywhere from 6 feet to about 11 feet in, in
24 difference in grade.

25 Originally, we had the house orientated so that

1 the garages came in off of Sherwood and the front yard
2 or the front of the house we had facing Mauro. And,
3 the ordinance -- of course the front door has to be
4 Mauro because it's the -- Mauro because it's the
5 shorter of the two aspects of the property.

6 It's a corner lot. And, Mauro is, I think, 73
7 and Sherwood is about 80.

8 What we did in this particular instance is
9 rotate the house so that we took advantage of the
10 grade and tucked the garages underneath the house from
11 the Mauro Road -- Mauro Road.

12 As a result, we're able to eliminate the two
13 D-variances. There were two D-6 variances. If you
14 recall, one was over 11 feet. And, this was the, this
15 was the variance for the -- this was the variance for
16 the mean curb level. It was 11.4 feet where only 32
17 feet was -- is, is permitted. The second one was the
18 lower of the average, of the average existing or
19 finished grade which was 4.4 feet variance.

20 These were significant variances both exceeding
21 10 percent of the permitted, permitted requirement.

22 As a result of the reconfiguring the lot or the
23 orientation of the property, we were able to bring the
24 mean curb level to 2.7 as a variance which would be
25 34.7 versus 32. And, the building height, the lower

1 of the average of the existing with the finish to a
2 variance of 31.9. 30 is permitted and we're at 31.9.
3 So, these are significant reductions.

4 I think, of note, if you recall, our architect
5 had testified, had this been a flat lot we would have
6 no height variances at all.

7 So, it's kind of a difficult property to address
8 these conditions. And, I think, under the case law,
9 under the case law, the Davis case versus Carver.
10 It's a Supreme Court case Judge Pollak had rendered an
11 opinion on.

12 Typically, these topographic conditions justify
13 a grant of the variance where you can't really
14 overcome or these are difficult situations to overcome
15 because of the topographical conditions.

16 In this, in this particular case, that is
17 basically what's driving it.

18 There are two other variances, the driveway
19 width which we have and, I think it's 33 feet, we have
20 a 33 foot driveway. I think, because we have two to
21 three cars, I think 22 is permitted under the
22 ordinance and then, in addition, the minimum rear yard
23 is 25 feet. We're 6.8 feet from the, from the, from
24 the well, from the window well and 9.8 feet to the
25 dwelling.

1 Those are basically the variances. I think the
2 applicant, in thinking through the process, is trying
3 to address, I think, what were the concerns of this
4 Board in terms of the height.

5 At this time, what I would like to do is mark
6 two additional exhibits.

7 The first exhibit would be A-8 which is the
8 revised site plan to Thomas A. Scrabble.

9 MR. KATES: I have A-8 as a photo board.

10 MR. CERESTE: I only have up to A-7.

11 MS. SCANCARELLA: A-8 is actually right
12 behind you.

13 MR. CERESTE: A-9 now.

14 And, this is a revised site plan, it's dated
15 June 24th, 2014. It consists of two sheets. And
16 we'll have A-10 which would be the revised
17 architectural plan of Stephanie DeCarlo Pantale. It's
18 revised as of 6/30. And, it consists of five sheets.

19 The only other significant issue I would mention
20 or difference I would say in our floor plan on the
21 second floor, we bumped out the master bedroom by
22 roughly about a hundred feet. So, it's kind of
23 cantilevered over the existing foot print.

24 We didn't expand the existing footprint but the
25 second level has a little bit more square footage into

1 the, into the master bedroom.

2 The total house, it is a 9,200 square foot lot.
3 As now in the RB Zone, you only need 7,000. So, it's
4 an oversized lot. And, the house itself, on this lot,
5 is about 4,600 square feet of floor area. So, I don't
6 consider it sweating the lot by any stretch of the
7 imagination. I think it's a good fit.

8 MR. MIRANDI: Mr. Chairman, just a
9 clarification.

10 I thought I heard you say you bumped it out by
11 100 feet.

12 MR. CERESTE: Approximately a hundred
13 feet.

14 MALE SPEAKER: Square feet.

15 MR. CERESTE: Square feet.

16 MR. MIRANDI: Okay. I think our witness
17 is sworn. If Mr. Scrabble --

18 MR. KATES: You remain under oath, Mr.
19 Scrabble.

20 MR. SCRABBLE: Yes.

21 MR. KATES: Before you begin, Bernie, have
22 you been able to confirm the recalculation on the
23 height to confirm we're no longer dealing with a D
24 Variance?

25 MR. MIRANDI: Yes. And, just for the

Thomas W. Scrabble - Redirect - Mr. Cereste

1 Board's information, they should have in their
2 possession a July 2nd letter from me which addressed
3 the revised plot plan. And, then, shortly thereafter,
4 I received the revised architectural plans. So, they
5 should also have a July 7th letter from me.

6 And, my comments on the variance conditions
7 match that which the applicant's attorney just
8 recited. And, that's in my report as well.

9 MR. CERESTE: In the receivable reports.

10 MR. KATES: Okay. Mr. Scrabble, your
11 witness.

12 REDIRECT EXAMINATION BY MR. CERESTE:

13 Q Mr. Scrabble, would you want to review
14 briefly the existing conditions that's being presented
15 to the Board --

16 A Sure.

17 Q -- On the application?

18 A I think the best way to do that would
19 be -- I want to flip back to the prior plan, the plan
20 I guess you saw two months ago.

21 Now, I don't recall which exhibit this was but
22 this is with the driveway off of Sherwood, the length
23 of the house, the main front door facing on Mauro Road
24 which basically fits within the allowable building
25 envelope just based on the way the Borough defines

Thomas W. Scrabble - Redirect - Mr. Cereste

1 front yard being the narrower frontage.

2 So, this layout actually worked better from a
3 building envelope perspective. But, that's only,
4 really the only way it worked better.

5 As we discussed a few months ago, there were
6 some serious issues of height because of the
7 topography of the height and laying the house out in
8 this direction.

9 I think we did discuss briefly, two months ago,
10 a layout very similar to what we're presenting
11 tonight. We had showed you this house flipped, I
12 think at the end of the last meeting, got the feeling
13 that that was preferable to the Board. And, also, it
14 makes sense, from a variance perspective and reducing
15 the height variances that we're requesting.

16 The only difference between the plan we're
17 presenting tonight and the plan you saw two months ago
18 is a very slight change in the house. We had
19 literally just rotated it last time which ended up in
20 a, I think an inch or two variance on Mauro Road.

21 As far as front yard, 24.8, 24.9. So, we
22 shifted the house back so we meet the Mauro front yard
23 of 25.05 feet. Otherwise, this plan is identical to
24 what you saw two months ago.

25 We added some other notes which were in response

Thomas W. Scrabble - Redirect - Mr. Cereste

1 to Mr. Mirandi's comments. The most major one I can
2 think of right now is having to do with the wall that
3 abuts our neighbor to, I guess you would call it the
4 west, further down Mauro Road. That clearly is our
5 wall. It was built on our property. But, it has
6 since rotated over, basically falling apart on to the
7 neighbor's property. So, our client has agreed to
8 completely reconstruct that.

9 The wall will not be any greater than 4 feet at
10 any point. But, we will reconstruct it on our
11 property as it previously existed.

12 We will get whatever agreements are necessary in
13 order to do that work. But, other than that, this is
14 the same plan you saw.

15 The ridge line comes down just over 2 feet.
16 It's 2.1 feet by reorienting the house. But, because
17 of the way the building heights are defined, it's very
18 significant as far as the variance request as Mr.
19 Cereste mentioned.

20 Q Yeah. And, basically, could you review
21 the grades for the property itself so the Board
22 understands what the grading is for this site?

23 A If you look at my drawing, Mauro Road is
24 on the bottom, Sherwood is on the left.

25 The high point is basically the upper left hand

Thomas W. Scrabble - Redirect - Mr. Cereste

1 corner. I guess it's the southeast corner of the
2 property. And, that's about elevation 102, a little
3 over elevation 102. And, you go down to, at the top
4 of curb, on the diagonal corner along Mauro Road, the
5 top of the curb at that point is about 83.9. So,
6 you're looking at about, about from 84 to 102. So, 18
7 feet in elevation.

8 It's very significant, you know, impossible to
9 build a house without having a garage under and also
10 extending the basement up to the first floor which
11 we've already done. Normally you'd have 9 foot, 10
12 foot from your garage floor to your first floor if the
13 garage were in the basement. We're actually showing a
14 garage floor of 89.6 and the first floor of 102.

15 So, we're, we're over 12 feet.

16 We're extending those walls up so that we can
17 make the first floor work with the grades on, I guess
18 you call it, the south side of the building. Because,
19 again, we're up against existing properties with
20 existing grades and existing walls on their property
21 that we don't want to mess with, undermine, we don't
22 want to change the grade in that location.

23 So, we're meeting the grade on, as you're
24 looking at the front of our house off of Sherwood on
25 the left side and all of the grading is then taking

Thomas W. Scrabble - Redirect - Mr. Cereste

1 place down to Mauro Road. And, we're stuck, obviously
2 with the elevation of Mauro Road.

3 So, we have worked this house into the grade as
4 much as we possibly can.

5 Q Could you basically call out the variances
6 for the Board?

7 A The variances are -- excuse me, the two
8 building heights, the 30 foot requirement we're at
9 31.9 feet. The 32 foot requirement, we're at 34.7.

10 The third bulk variance has to do with the rear
11 yard. Because Mauro has to be our front, obviously
12 the rear is opposite that. And, we're proposing 15.8
13 feet in the back of the house where 25 is required.

14 When we flip this house, it fit within the
15 building envelope. It's just because we were, we're
16 obviously working against the envelope in order to
17 work with the grades.

18 And, then the last variance had to do with the
19 width of the driveway. We're showing it at, inside
20 curb to inside of curb is 23 at the street. And, then
21 we widen out pretty quickly to about 30 at the
22 right-of-way line.

23 And, the reason for that is, because the
24 driveway and the house are, are relatively close to
25 the curb line and we're trying to provide three, three

Thomas W. Scrabble - Redirect - Mr. Cereste

1 garage door access. We could narrow that throat down.

2 I think it just makes all the movements within
3 the driveway more difficult.

4 I didn't think that that was a critical variance
5 request or an important variance request.

6 I think it clearly works better from a
7 circulation standpoint as is. But, if the Board feels
8 strongly about that, we can certainly work on the
9 driveway alignment.

10 Q How many cars are interior parking at the
11 right of this envelope?

12 A Well, we've got -- there's no sidewalk on
13 Mauro Road. We've got basically 35 feet, 34 feet from
14 our garage doors to the curb line. So, you could, you
15 could get two cars backed on each other.

16 But, we were trying to provide more room in
17 front of the garage doors so that if somebody wanted
18 in the garage they would be literally in front of the
19 garage door rather than go back to back.

20 Q There are three interior garage spaces
21 provided?

22 A Yes. Yes.

23 Q Now, as far as your storm management plan
24 is concerned, have there been any variations from the
25 prior presentation?

Thomas W. Scrabble - Redirect - Mr. Cereste

1 A No. We're providing seepage pits as we
2 were previously with an overflow to the Borough
3 system. So, it actually works out very well from a
4 grade perspective although we can't have the overflow
5 and there won't be any surcharging on the property or
6 any neighbor's property.

7 Q Did you have an opportunity to review Mr.
8 Mirandi's report, the July 2nd and the July 7th
9 reports?

10 Did you review them again this evening?

11 A Yes.

12 Q Do you feel we can meet those requirements
13 that were called out in his report?

14 A Yes. The latest report, July 7, asked for
15 additional notes clarifying certain things that would
16 happen or not happen during construction which we'll
17 certainly add to the drawing.

18 MR. CERESTE: I have no further questions
19 of this witness.

20 CHAIRMAN FEHRE: Is there any questions.

21 MR. KILMARTIN: Yes.

22 What's the setback on the southerly side of the
23 house?

24 What's the side yard for you but what would
25 naturally be the rear yard?

Thomas W. Scrabble - The Board

1 THE WITNESS: Against our property on

2 Mauro?

3 MR. KILMARTIN: Yes.

4 THE WITNESS: We're at 24.8 feet.

5 MR. KILMARTIN: And, that's with the
6 cantilever?

7 THE WITNESS: Yes.

8 MR. KILMARTIN: Last time we talked about
9 how, I don't know how to put it, how high above Mauro
10 was the structure going to be.

11 And, did you address that issue?

12 THE WITNESS: Yeah. That number --
13 actually, the curb line average, now we're talking all
14 along the entire frontage which changed our variance
15 request. But, if you want to just look at the average
16 along Mauro, it's basically, it's an 86.9 to an 83.9;
17 from 87 to 84. So, an average it would be 85 and a
18 half. And, our ridge is at 127.9.

19 So, 14 and a half plus 20, you're at basically
20 42 feet ridge is the average just along Mauro.

21 But, it's the overall average which you could
22 term as the variance request.

23 CHAIRMAN FEHRE: Questions?

24 Let me ask a question.

25 So, you are using Sherwood for the front yard.

Thomas W. Scrabble - The Board

1 Right?

2 THE WITNESS: The front door is oriented
3 toward Sherwood.

4 MR. CERESTE: The house itself is
5 orientated to Sherwood but actually the ordinance, you
6 can't change the ordinance.

7 CHAIRMAN FEHRE: You can't change the
8 ordinance.

9 MR. CERESTE: Otherwise Mauro is your
10 front yard. You're stuck with that.

11 CHAIRMAN FEHRE: Everything else is at --
12 Sherwood would be the front yard.

13 THE WITNESS: It's really a technical
14 issues as to how we're labeling our yards.

15 CHAIRMAN FEHRE: So, would you be
16 requesting a variance to change the front yard from --

17 MR. CERESTE: No.

18 CHAIRMAN FEHRE: -- from Mauro to
19 Sherwood?

20 MR. CERESTE: No. No. Mauro must be the
21 front yard.

22 You can't change it because that's the way the
23 ordinance reads.

24 CHAIRMAN FEHRE: We can change it -- would
25 this Board be able to change which one is the front

Thomas W. Scrabble - The Board

1 and which one is the side?

2 MR. CERESTE: I don't think so.

3 In my opinion, I think the ordinance speaks for
4 itself.

5 What we've done is, I think you got to
6 distinguish between the front of the structure and the
7 front yard of the property. So, the front yard of the
8 property has to be more because it's the narrowest of
9 the two sides.

10 In reality, if you looked at the house, the
11 orientation is the same as the existing house. It's
12 on Sherwood. It has a front door on Sherwood. For
13 all intents and purposes, your front yard, from an
14 esthetic and from a physical observation is on
15 Sherwood.

16 It's just that for calculation of bulk
17 requirements, you've got to use Mauro. And, I think
18 that's part of our property with this configuration.

19 CHAIRMAN FEHRE: So, as far as the bulk
20 requirements, you're looking at Sherwood being the
21 front yard.

22 Right?

23 MR. CERESTE: No. We're looking at Mauro
24 as being the front yard.

25 THE WITNESS: Instead of asking you, for

Thomas W. Scrabble - The Board

1 you to change the yard, we're asking for the rear yard
2 variance because we felt we couldn't change the yard.
3 It's kind of odd but...

4 CHAIRMAN FEHRE: I understand. We went
5 into this numerous times, a lot of times, you know,
6 because of the definition of which is the front. It's
7 not always the best place to have to be calling a
8 front yard. I think that's the case.

9 MR. CERESTE: I think this is particularly
10 challenging because you have really substantial
11 differences in grade.

12 CHAIRMAN FEHRE: We just had one last
13 month, the exact same thing. You know, if anybody
14 looked at that property, they would say, well, this
15 would be the front. But, the definition said that
16 that should be.

17 MR. CERESTE: I think in fact that same
18 would apply to this application.

19 If you look at this house, you're going to look
20 at the front door and you're going to say this is the
21 front yard. It's obvious and it's orientated to
22 create that anyway.

23 MR. MIRANDI: And, the address is 60
24 Sherwood.

25 CHAIRMAN FEHRE: The front door is 60

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1 Sherwood.

2 MR. KILMARTIN: We were talking about, the
3 last time we were talking about using retaining walls
4 and that sort of thing. And, we were trying to sink
5 down what you say is now 42. Maybe start —

6 Mauro is relatively, a relatively level street.
7 So, we could start lower on Mauro, you know?

8 I realize that presents problems on the
9 Sherwood, the top southerly side.

10 THE WITNESS: Yeah.

11 MR. KILMARTIN: But, is there anything we
12 can do to reduce that, that 42 number.

13 THE WITNESS: Yeah. We, we, honestly did
14 not want to raise the house as high as we did from a
15 marketing standpoint or anything like that.

16 The only reason we had to pull the house so high
17 out of the ground is so that, so that we weren't
18 effecting grades.

19 And, I keep calling it the south side, further
20 up Sherwood because there's existing retaining walls
21 there on somebody else's property that, if we were to
22 keep our house lower, obviously your first floor has
23 to be above the finished grade by whatever the depth
24 of your structure is plus 8 inches, normally about a
25 foot and a half, at least a foot and a half.

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1 So, we have to keep the, our first floor above
2 that. Otherwise, anything we did in here, if we were
3 to build another wall, drop the grade, whatever we
4 were going to do, we would be undermining that wall on
5 somebody else's property. We would technically or
6 effectively be possibly effecting the health of that
7 wall for lack of a better way to say it.

8 We went through this a lot. And, there was a
9 lot of discussion last meeting about why didn't you
10 build another wall on your side. Either way, even if
11 we were to do that, in order to build our wall, we got
12 to excavate behind it. So, we're going to be
13 undermining the wall on my neighbor's property which
14 we just don't have the right to do.

15 So, one of the criterion in this design was
16 meeting the grade on that southerly side. So, if you
17 started that grade, which is basically, you know, I'm
18 showing a hundred that runs through there, if you
19 start at a hundred and you bring your first floor up 2
20 feet from there, that's as low as we can go. So,
21 that's where we set the first floor.

22 And, we dropped the garage down even deeper so
23 that we could get out to Mauro with the a garage or
24 driveway that you could actually navigate.

25 MR. DOOLY: What's the roof pitch on this

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1 house?

2 THE WITNESS: I don't know off the top of
3 my head.

4 MR. CERESTE: We have the architect who
5 can answer that question.

6 CHAIRMAN FEHRE: Okay. Any other
7 questions.

8 MR. K. KIM: Pictures of your house,
9 the --

10 THE WITNESS: The pictures.

11 MR. K. KIM: The photo board.

12 THE WITNESS: Can you see that?

13 This is what's there now. That's the Mauro Road
14 side. That's the Sherwood side.

15 MR. K. KIM: Okay.

16 THE WITNESS: Just to give you an idea,
17 the first floor now is 101 and a half. We're at 102.

18 We're basically at the same elevation as this
19 first floor.

20 It's hard to see it behind the bushes but,
21 there's the garage door, the first floor is here.
22 It's a split level or bi-level. I'm not sure exactly
23 what --

24 The first floor is here. We're at that same
25 elevation.

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1 MR. KILMARTIN: Did you look at the -- one
2 of the other suggestions was leaving the house,
3 leaving the front of the house on Mauro. And, I think
4 you were hoping to, to drop it down a little bit and
5 maybe put garages on that side and the garages under
6 with the thought, with concerns of the neighbor on
7 Mauro, that that 42 is a high number for them.

8 Did you look into that at all?

9 THE WITNESS: Again, it's still -- it all
10 comes down to the grade on the south side. Unless
11 you're going to do kind of like a one and a half story
12 like you have now where you can split the levels of
13 the floor. That's something you could do. But, I
14 feel like that's not the style that this neighborhood
15 is looking for right now.

16 Because, otherwise, again, once you, if you want
17 to set your first floor above the ground at the base
18 of that neighbor's wall so that we don't have to mess
19 with that, we're stuck with the elevations we have.

20 MR. KILMARTIN: Weren't we talking about,
21 in that design, a second retaining wall but set back
22 far enough so that you would be able to do it without
23 hurting the integrity of the existing wall?

24 THE WITNESS: But, the same situation,
25 if -- right now we've got 9, almost 10 feet there.

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1 Even if we were to split the difference and go 5 feet
2 and, and drop it down to build a wall, if you do a
3 concrete wall, you've got footings that extend out the
4 back.

5 If you do an engineered block wall, you got a
6 geogrid that extends out the back.

7 We would have to excavate literally in front of
8 this wall in order to build ours and now you still got
9 a wall that's 5 feet off the back of your house.

10 MR. KILMARTIN: Do me a favor. Flip to
11 the other drawing.

12 So, what's the, what was the rear yard -- so now
13 don't you have enough room to do what you're talking
14 about in terms of putting a tier in now what's clearly
15 the backyard?

16 THE WITNESS: Well, here you've definitely
17 got more room. You could pull the wall far enough off
18 so that you wouldn't be effecting the neighbor's
19 property. It would still get real narrow as far as
20 the useable yard space you would have left.

21 So, I don't think it's desirable for our client.
22 But, I understand what you're saying.

23 But this, obviously, this necessitates much
24 greater variances as far as height.

25 And, the ridge is actually higher here.

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1 MR. KILMARTIN: Right.

2 THE WITNESS: So the number along Mauro,
3 even though it's facing a different direction, it's 2
4 feet higher.

5 MR. KILMARTIN: But, we were going to sink
6 it down on Mauro and put the retaining walls to cut
7 the differentiation.

8 THE WITNESS: So right now this would
9 be -- my ridge is at 130. And, we said that average
10 along Mauro was what, 85, 85 and a half? So, you're,
11 you're at 44 and a half or so feet with this ridge
12 line over Mauro.

13 So, if you were to drop it down, with a 4 foot
14 wall, basically you ruin this backyard, in my opinion,
15 and you're very close to that same situation.

16 Now, instead of 44, you're at 40 on Mauro. So,
17 you're not, you're not gaining enough to make it worth
18 it in my opinion.

19 And, you also have this -- this plan had those 8
20 foot walls along the front which I think also from
21 Mauro was not a very desirable visual situation.

22 MR. DOOLY: An 8 foot wall? It's --

23 THE WITNESS: Yeah, we, ultimately, we
24 talked about it at the last meeting. We were talking
25 about having to tier these walls. But, in order to,

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1 to make the grade off of the driveway into the garage
2 to the first floor -- everything is established as far
3 as elevation, what we're stuck with is, you know,
4 Mauro Road is down at 85 and our first floor is up at
5 104. So, there's 19 feet of elevation to make up here
6 in a 25 foot front yard.

7 So, you can only slope the front yard so much.

8 You're making up 8 feet across the lawn and then
9 there's an 8 foot wall.

10 So, what we discussed last meeting was that if
11 this layout were to proceed, we were going to break
12 that up into two 4 foot walls but still the whole
13 front yard would be wall.

14 CONTINUED REDIRECT BY MR. CERESTE:

15 Q Tom, from an engineering perspective, do
16 you feel that what is being proposed tonight is the
17 most feasible for the development of this site given
18 the typographical information?

19 A Yes. It's a much better design as far as
20 the grading requirements.

21 Obviously, our variance requests are less yet
22 it's a vast improvement, I think.

23 MR. CERESTE: I have no further questions.

24 CHAIRMAN FEHRE: Mr. Surace.

25 MR. SURACE: What is that, you got the

Thomas W. Scrabble - The Board

1 garages on Mauro.

2 Right?

3 THE WITNESS: Which layout are we talking
4 about, the old one or the new one?

5 MR. SURACE: The new one.

6 THE WITNESS: The new one. The garage is
7 on Mauro.

8 MR. SURACE: Right. What's above the
9 garages?

10 THE WITNESS: We -- there's some basement
11 space behind them and then you go all the way up to
12 the first floor. So, we were actually going to have
13 steps from the garage. You would do steps up into the
14 basement. Because this garage, as I mentioned before,
15 is, you know, 12 and a half feet below the first
16 floor.

17 MR. SURACE: Isn't there any way you could
18 step it down like half of the house, drop it down?

19 THE WITNESS: Well, that's kind of what
20 we're doing. We have the basement floor up here and
21 then the garage floor is even lower. And, that's
22 still with a 12 percent grade going out to Mauro which
23 is the most would you want.

24 It's not going to be a great driveway.

25 MR. SURACE: Well, I'm talking about

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1 dropping the, the house not the garage or anything
2 like that.

3 You know, like what's above it?

4 THE WITNESS: Well, again, the only way
5 you do that and not effect the walls to the south is
6 some sort of split level design like we have now
7 which, which just doesn't fit with the direction I
8 thought the neighborhood was going in.

9 MR. SURACE: The reason why everybody is
10 concerned is because you're talking about over 40
11 feet, you know. You're not talking about 2, 3 feet, 4
12 feet.

13 That's why everybody is concerned.

14 THE WITNESS: But, that's really just from
15 that one view point --

16 MR. SURACE: Exactly.

17 THE WITNESS: -- which I think happens a
18 lot.

19 MR. SURACE: What about the neighbors over
20 there?

21 THE WITNESS: I understand, I completely
22 understand that.

23 But, I also think it's something that's very
24 common in this Borough where from one perspective you
25 got a 40 foot house and another perspective it's a 25

Thomas W. Scrabble - The Board

1 foot house.

2 MR. NIKOW: Just to confirm, from the
3 south side, it's a 4 foot retaining wall to the
4 neighboring property?

5 THE WITNESS: I think it's bigger than
6 that. I don't have actually -- it's on the neighbor's
7 property. We have don't proper knowledge.

8 MR. NIKOW: That's not changing at all?

9 THE WITNESS: No.

10 MR. NIKOW: That's not being rebuilt

11 but --

12 THE WITNESS: No. The one that's being
13 rebuilt, if you're on Mauro, it's on the right side.

14 MR. NIKOW: Yeah. That's what I said.

15 THE WITNESS: Yes.

16 MR. NIKOW: And that one, you said, is 4
17 feet.

18 Correct?

19 THE WITNESS: No. 4 at the lowest end and
20 completely reconstructed by our client, my client.

21 MR. NIKOW: Okay.

22 CHAIRMAN FEHRE: Okay. Any other
23 questions of this witness?

24 If not, do you have another witness?

25 MR. CERESTE: I do.

Stephanie Pantale - Redirect - Mr. Cereste

1 Do you want to open it to the public?

2 CHAIRMAN FEHRE: At the end of all the
3 witnesses.

4 MR. CERESTE: Steph, do you want to come
5 up?

6 MR. KATES: Miss Pantale, you remain under
7 oath.

8 MS. PANTALE: Yes.

9 MR. KATES: Do you want to identify
10 yourself for the record, please.

11 MS. PANTALE: My name is Stephanie
12 Pantale. My address is 70K Chestnut Ridge Road,
13 Montvale, New Jersey.

14 Do you want me to --

15 MR. KATES: No. We're good.

16 MS. PANTALE: Okay.

17 REDIRECT EXAMINATION BY MR. CERESTE:

18 Q Steph, if you could, referring to what has
19 been marked as A, A-10 I think it is or A-9.

20 A Yes. It's A-10 now.

21 Q A-10.

22 Could you basically give the Board the review of
23 how this plan may differ and the orientation of the
24 building?

25 MR. KATES: What's the date of that

Stephanie Pantale - Redirect - Mr. Cereste

1 revision?

2 THE WITNESS: It is June 30th.

3 MR. CERESTE: June 30th.

4 THE WITNESS: 2014.

5 A Basically the house got rotated and
6 flipped to get the garages on the front side.

7 So, when you're looking at Sherwood, you know,
8 this would be the front of the house. We are high.

9 This is where the neighbor is over here on Sherwood.

10 We're high at 102. Our first floor is 102. And, we
11 come down to the garage elevation of 89.6.

12 Basically I think someone asked about the roof
13 pitches. They look steeper in the front but the front
14 to back pitch, which is the main pitch of the house,
15 is at 3 and a half on 12 which is the minimum pitch
16 that we can have. So, basically it's a very shallow
17 pitched roof.

18 This is the view from Mauro Road. It is but
19 it -- you know, the roof is not a flat roof, like a
20 gable end. So, when you look at Mauro, I'm not going
21 to tell you it's not going to be the height that it
22 is. But, we have pitched it back away. So, this is
23 the vertical edge that they'll see.

24 I'm not saying it's not tall but then it gets
25 pitched away.

Stephanie Pantale - Redirect - Mr. Cereste

1 It's not like if this was straight here and

2 there was one big billboard.

3 The house is still -- basically the only change
4 is, we have a tree car garage and the basement where
5 we previously had an oversized two car which was a
6 three car. It was mostly a three car but we only had
7 two doors facing the outside.

8 All right. Now it's -- since Mauro is so low,
9 we could have all three cars coming out to the side.

10 This has a bedroom in the basement with a
11 bathroom and some living space. It's all finished on
12 the other side.

13 We have steps going from the basement to the
14 garage because the basement is higher significantly by
15 about 3 feet.

16 The first -- I want to also clarify that we
17 don't have a cantilever. It's actually -- we bump out
18 on the second floor only. But, I have columns to
19 support it.

20 So, basically, off the dinette, we don't have
21 livable space. It's outdoor space. But, I don't want
22 you to think it's just hanging off the back. We have
23 actually supports for that.

24 The same layout as before. It's living room,
25 dining room, kitchen, a great room in the middle, two

Stephanie Pantale - The Board

1 stories, foyer, two-stories, single bedroom on the
2 main level, and a living room.

3 And, then, the only thing that my client asked
4 us to do was to give them a better layout. The master
5 bedroom was a little -- it sounds like it but it was a
6 little snug for a of couple things for this caliber of
7 home. So, he just asked if we could bump this out
8 which we had plenty of room in the footprint to do
9 that.

10 MR. DOOLY: Your heights, floor to
11 ceiling, first floor and second floor.

12 THE WITNESS: The first floor is 9, the
13 second floor is 8 which is kind of the standard
14 nowadays.

15 CHAIRMAN FEHRE: Mr. Mirandi.

16 MR. MIRANDI: Thank you, Mr. Chairman.

17 And, just a clarification for the Board.

18 And, correct me if I'm wrong, Stephanie, but
19 looking at the architectural elevation from Mauro Road
20 where you have the garages, the roof line above that
21 is a hip roof.

22 THE WITNESS: It's a hip roof.

23 MR. MIRANDI: So you're looking at a hip
24 roof --

25 THE WITNESS: That slopes away.

Stephanie Pantale - The Board

1 MR. MIRANDI: So, for the Board's
2 information, if you look at A-1, which is the front
3 and rear elevation, you could see that step back.

4 THE WITNESS: It also does that on the
5 other side. It does it on all four sides.

6 MR. SURACE: How about if it was a gable
7 roof?

8 THE WITNESS: From -- you would see it
9 from point to point. Yes.

10 MR. SURACE: You would see that?

11 THE WITNESS: Yes. We tried to minimize
12 everything. So, to a board, variances all the time
13 but sometimes due to the heights, we can't.

14 But the house, if we were on a flat lot, once
15 again, the height of the house from the first floor to
16 the ridge is 25.9. If you leave 2 feet for the ground
17 around you, you know, to step down with a normal,
18 regular lot, we would have a house that was 27.9 which
19 is pretty shallow for most houses being your ordinance
20 is 30 so we would be like 2 feet under if it was a
21 flat lot.

22 CHAIRMAN FEHRE: Okay. Any other
23 questions?

24 If not, do you have any other witnesses?

25 MR. CERESTE: I have my planner back.

David Spatz - Redirect - Mr. Cereste

1 CHAIRMAN FEHRE: Okay. David.

2 MR. KATES: Mr. Spatz, you remain under
3 oath.

4 MR. SPATZ: Yes.

5 MR. KATES: Identify yourself for the
6 record.

7 MR. SPATZ: David Spatz, S P A T Z. My
8 business address is 60 Friend Terrace in Harrington
9 Park.

10 REDIRECT EXAMINATION BY MR. CERESTE:

11 Q David, do you want to go to the photo
12 board, if you could?

13 A Yep.

14 Q Adjusting the conditions and the proposal
15 that are now before the Board could you basically,
16 from a planning perspective, provide your thoughts on
17 the plans for this particular, for this particular
18 home.

19 A Sure. Certainly, as you could see from
20 the, certainly the top left hand photograph, which is
21 the house, the current house from Sherwood, you could
22 see the extreme steep slope that we have there.

23 The engineer and the architect have described
24 the topographical conditions and the retaining wall.

25 The change that the architect has made has

David Spatz - Redirect - Mr. Cereste

1 significantly reduced the variances -- well, we still
2 need height variances, they have gone from a C -- from
3 a D down to a C.

4 Measured at grade, the dwelling will have a
5 height of 31 feet 9 inches where 30 feet is permitted.
6 Originally it was 34.4. So, it significantly dropped
7 down.

8 The height measured to curb level, 32 feet is
9 permitted and we're at 34 feet 7 inches ridge. The
10 rear story was 43.4. That's been a significant change
11 in grade.

12 The only additional variance that was added is
13 to the rear yard and that is the yard, on this side,
14 and it's really just because front yard is measured
15 off of Mauro. There's a significant grade change, as
16 you can see on the lower left hand photograph. That
17 is that side, that, that rear yard, the dwelling
18 closest to it is significantly higher. So that
19 shorter rear yard is not going to have any effect.
20 It's not going to effect any lot area, open space for
21 that. The house is significantly lower down than that
22 dwelling there.

23 This is, I think, a classic C-1 case in that you
24 have severe topographic conditions, further effected
25 by the fact that it's a corner lot and the dimensions

David Spatz - Redirect - Mr. Cereste

1 are measured, the front yard is measured off of Mauro
2 which sort of creates that rear yard variance as
3 opposed to the building. It certainly is not overly
4 sized.

5 We meet the impervious coverage as well as the
6 building coverage. So, it's not a large building.

7 The architect indicated that if this was a flat
8 piece of property that we were dealing with, the
9 height of the building itself would actually be 3 feet
10 below what the ordinance permits. So, it's really
11 only because of the topography that the variances are
12 there and the slightly higher elevation on Mauro as
13 well.

14 The lower right hand photograph is the home
15 directly across the street on Sherwood just to give an
16 idea of what types of homes are being built in -- the
17 newer homes in that area as they are dealing with the
18 steep slope.

19 And, as you can see, it's a similar condition
20 where you have one side of the building is much
21 larger, three stories plus, the other one, from that
22 point of view, is only two stories plus. So, it's
23 really the grade in this particular area that has
24 significantly effected the buildings.

25 Q In your opinion, do you feel that the

David Spatz - The Board

1 positive and negative criteria can be met in this
2 particular application with these variances?

3 A Yes. I think that, again, the topographic
4 conditions directly create the variances that are
5 there. I don't think there is anything significantly
6 negative.

7 The driveway is being shifted from Sherwood
8 which is on the slope to Mauro, on the flatter area.

9 You have a three car garage plus driveway so
10 that would reduce the need to park on the street. So,
11 I think it also makes a safer condition for traffic in
12 that area as well.

13 So, I think the positive impacts certainly
14 outweighs anything negative.

15 MR. CERESTE: I have no further questions
16 of this witness.

17 CHAIRMAN FEHRE: Anybody have any
18 questions?

19 MR. KATES: I have one, Mr. Chairman.

20 I don't know, Dave, if you can answer it or the
21 engineer.

22 Has the, either the building coverage or the
23 impervious coverage changed with the redesign of the
24 house?

25 MR. CERESTE: I don't think so. I don't

38

1 believe so.

2 CHAIRMAN FEHRE: Just the build, the bump
3 out, the hundred square foot bump out, so the number
4 would be slightly different?

5 MR. SCRABBLE: The building coverage on
6 the new plan -- lot coverage is 29.49, 2,717 square
7 feet.

8 It was 2,609. Now it's 2,717.

9 MR. KATES: That's lot coverage?

10 MR. SCRABBLE: Yeah, and the impervious
11 coverage goes up by that same amount.

12 Impervious coverage is now 44.32 percent.

13 MR. KATES: And before?

14 MR. SCRABBLE: The other plan was 40.70.

15 This recent, this version of the plan that you
16 saw last time, basically the only difference is that
17 it's literally -- the only difference, it's a little
18 over a hundred square feet.

19 So, the impervious coverage on this layout was
20 always a little bit more than the other one.

21 MR. MIRANDI: And, neither one is a
22 variance condition.

23 MR. SCRABBLE: Yes.

24 CHAIRMAN FEHRE: Okay. Any other
25 questions?

The Public -

1 Okay. Thank you. That's the end of your case.

2 MR. CERESTE: That's the case.

3 CHAIRMAN FEHRE: Okay. Then I'll have a
4 motion to open the meeting to the public.

5 MR. NIKOW: So move.

6 CHAIRMAN FEHRE: Second.

7 MR. KILMARTIN: Second.

8 CHAIRMAN FEHRE: All in favor.

9 (Aye)

10 Okay. Mr. Kalajian.

11 MR. KALAJIAN: Perry Kalajian. I live at
12 374 Forest Drive which is adjacent to the lot here.

13 CHAIRMAN FEHRE: It's adjacent?

14 MR. KALAJIAN: It's cattycorner. If you
15 want, it would be right here.

16 CHAIRMAN FEHRE: Yeah.

17 MR. KALAJIAN: There's two procedural
18 aspects I would like to raise for everybody's
19 considerations here.

20 We're here talking about a variance. And, I
21 went back. I looked at town code which is based on
22 40:55d, New Jersey Statutes Annotated.

23 And, it talks about variances for exceptional
24 narrowness, shallowness or shape, exceptional physical
25 features or exceptional situations, which is fairly

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The Public -

1 broad, that result in undue hardship.

2 We have a house on this building now. I don't
3 see that anything that's been presented here now or
4 two months ago resulting in undue hardship. This is
5 simply a builder who's trying to come in and build an
6 oversized house to make a dollar and leave it there
7 for the rest of us.

8 I mean, that's all this is.

9 Also, I know it was pointed out last time I was
10 here that you didn't have to supposedly comply with
11 notice requirements. Well, I looked at the notice
12 statute on that, too. It just says hearings. It
13 doesn't say that there's any exception to hearings in
14 terms of publication. So, I would even say, even if
15 you got beyond the fact that we shouldn't even be
16 talking about a variance in this situation, he hasn't
17 satisfied the standing provisions to be able to stand
18 up here and ask for this.

19 Getting beyond that now, because I really feel
20 it should end at the first one, I don't know how you
21 can stand there and tell me that you have satisfied
22 that variance provision. It's right in NJSA.

23 Let's look at what they've done. They have
24 basically taken this building and flipped it around,
25 which they admit to. Those were your words. Okay.

The Public -

1 They haven't lowered it.
 2 I know several people up here noticed that. I
 3 appreciate, very perceptive. But, they just flipped
 4 it around. They added a garage. And, they made the
 5 building bigger.
 6 Before they were asking for two variances, now
 7 they're asking for four.
 8 In addition, I know I heard last time and I
 9 heard it again today how they were so concerned about
 10 that wall on the easterly side of the property and
 11 getting close to it. Well, with this new process that
 12 they have, before they were, I think, 25 feet away and
 13 we were talking about building a wall 20 feet out.
 14 Now they're as close as 6.8 feet away from that and
 15 9., I think it's 9.8 for the entire structure.
 16 Then I heard this argument about, well, if we
 17 were going to have to dig out behind that to put that
 18 other wall in, you're going to have to dig out even a
 19 deeper hole to put your foundation in. But, you don't
 20 seem to be too concerned about the integrity of the
 21 wall when it comes to your benefit which basically
 22 proves the fact that it's just a moot point, it's a
 23 bogus point. It means nothing.
 24 All right. In terms of the front of the lot
 25 versus the side of the lot, they're asking for now and

The Public -

1 I understand there's this issue about what's the front
 2 and what's the side. But, they're talking about 6.8
 3 feet as opposed to 25. And, they, they claim the
 4 height here is 34.7 and 31. I know that supposedly
 5 there's some formula out there that must be a very
 6 guarded formula because I went through the Code and I
 7 didn't see any formula.
 8 Again, I'm not an engineer and I'm sure Bernie,
 9 you know better than I do on this, but I didn't see
 10 any formula. But, when I use simple mathematics on
 11 this, what I see is, is that the low point of the
 12 property, as you pointed out, is 83.9. The high point
 13 of this house, if you measure it from that, is 43.9
 14 feet.
 15 They didn't lower this at all. All they did was
 16 flip it around and say, oh, it's lower than it was
 17 before. It's no lower. It's still going to look 44
 18 feet from that low point.
 19 If even if you measure the height of the house
 20 from what they put here as, I guess it's 89.6 which is
 21 the garage level which is about 6 feet up from the
 22 ground level there, you're still talking about 38.3
 23 feet which is more than 10 percent above either the 32
 24 or 30 number that you were espousing before and would
 25 require a super majority.

The Public -

1 So, I don't know how, first of all, we're even
 2 considering this because, if you're going to consider
 3 this, you can consider a variance for almost
 4 everything. This is worse than what we had before,
 5 gentlemen, ladies, it really is.
 6 I'm trying to see what else there was.
 7 Yeah, I don't know how you arbitrarily choose a
 8 front yard but, again, I understand the issue. Maybe
 9 that's something you do.
 10 And, I guess the other thing is, whether you
 11 need 5 votes or 6 votes I see or I counted 6 people
 12 here today, one of which may or may not -- I wasn't
 13 clear as to what's going to be available to vote
 14 today.
 15 So, unless you're going to use some type of
 16 absentee ballot, which I don't think would be proper
 17 in this instance, especially because they can't hear
 18 my presentation and I don't know what you furnished to
 19 the Board before. And, I called your office and you
 20 wouldn't call me back because I was trying to work
 21 with you on this three weeks ago, I can't see how this
 22 could possible pass even if you get beyond the fact
 23 that this shouldn't even be considered for a variance.
 24 All this is is a developer trying to build an
 25 oversized lot. If you look at the first proposal that

The Public -

1 he had two months ago, this is over a hundred square
 2 feet larger than that was and even that was oversized.
 3 And, you can see from his pictures, there's been
 4 a house on that, there's been a house on that lot for
 5 over 50 years, maybe over 60 years at this point.
 6 CHAIRMAN FEHRE: What's there now? What
 7 was there?
 8 MR. KALAJIAN: Well, he said incorrectly
 9 that it had been knocked down. There's a picture of
 10 it.
 11 CHAIRMAN FEHRE: Was it a split level?
 12 MR. KALAJIAN: I'm not an architect to the
 13 point where...
 14 CHAIRMAN FEHRE: Do you really want
 15 another split level in Englewood Cliffs?
 16 MR. KALAJIAN: No. What I'm saying is --
 17 CHAIRMAN FEHRE: What is his alternative?
 18 MR. KALAJIAN: Building something to code.
 19 CHAIRMAN FEHRE: How can it be to code
 20 with this topographical problem?
 21 MR. KALAJIAN: I'm going to explain to
 22 you, two people on this Board -- I think you were --
 23 I'm sorry, Mr. Surace.
 24 And, I think you pointed this out. And, It was
 25 the same thing I pointed out last time. He can -- and

The Public -

1 I've seen this done in a number of places in Englewood
2 Cliffs. There's one on Alpine Court done like this
3 and one on John Street. They sink the garage down.

4 And, he's got the room to do it here because
5 he's actually 6 feet above -- I have seen garages sunk
6 down so that that first floor is lower. All right.

7 Then the height of his building is not as high.
8 That's how I would suggest that he try and do this.

9 MR. KATES: This is the opportunity to
10 question the witnesses. Put it in terms of a question
11 to the engineer.

12 MR. KALAJIAN: Why couldn't you do it by
13 sinking this down further?

14 What's your issue about the integrity of this
15 back wall?

16 Because, you just told me a minute ago that you
17 were worried about that but you're willing to dig an
18 entire foundation within 6.8 feet of that wall. So,
19 you're obviously not worried about it.

20 So, you're committing basically a fraud on this
21 whole panel by telling us it's one thing when it's
22 something else.

23 MR. CERESTE: Mr. Chairman.

24 (Speaking at the same time)

25 CHAIRMAN FEHRE: -- difference of opinion.

The Public -

1 MR. CERESTE: I've been very kind not to
2 object.

3 MR. SCRABBLE: Fraud is rude, sir. Fraud
4 is rude.

5 MR. KALAJIAN: Then you explain to me how
6 you can build an entire foundation, which has to go
7 down much lower than a small wall, and not be
8 concerned about supporting that back wall of your
9 neighbor but you're not worried about this now.

10 Last time we were talking about maybe a 4 foot
11 wall that would have been a lot easier to build and it
12 would have been built 20 plus feet away. But now, at
13 6.8 feet, we don't have any trouble.

14 Can you explain that?

15 MR. SCRABBLE: I would be happy to, if you
16 let me.

17 MR. KALAJIAN: Go ahead. A foundation
18 wall is a vertical excavation. You've got a footing
19 that is 24 inches wide. Because the foundation is
20 tied into walls heading in other directions, you don't
21 need a footing that's 4, 5 feet wide for a foundation
22 wall. So, I can go down vertically 10 feet off a
23 property line and not effect the wall on the other
24 side.

25 If I'm going to build a retaining wall, I need

The Public -

1 either a footing for a concrete reinforced retaining
2 wall that's probably 4, 5 feet wide or, if I'm
3 building a reinforced block, keystone type wall, same
4 situation, I got to go back 5 feet with my grid.

5 So, if I'm building a wall 5 feet off the
6 property line, I'm literally excavating right up to
7 the property line to build those walls. If I'm
8 building a foundation wall at 9.8 feet off, I can
9 leave 8.8 feet of dirt. Very different situation.
10 They're built completely differently.

11 MR. KALAJIAN: If you're building though,
12 last time we were talking about it -- let's see,
13 you're about 29.3 feet. You were talking about
14 building it close to that.

15 You'd be back here. Nobody asked you to build a
16 wall within 4 or 5 feet of that other wall.

17 MR. SCRABBLE: Now you're talking about
18 the other layout.

19 MR. KALAJIAN: Yeah. I am because --

20 MR. SCRABBLE: So, that's a different
21 question.

22 MR. KALAJIAN: No. No. It's not a
23 different question.

24 MR. SCRABBLE: If you want to flip it
25 around, I'll answer that question.

The Public -

1 And, what I said tonight was, yes, we could
2 build a wall 10 feet off of this property line. It
3 cuts right into our rear yard. I don't think it's the
4 right thing to do.

5 This house is higher. It's 2 feet higher. The
6 roof is higher. The first floor is higher than the
7 plan we're looking at tonight.

8 And, it would completely ruin our yard. I don't
9 think that's a benefit to anybody.

10 MR. KALAJIAN: I don't know how you get
11 the 2 feet higher.

12 MR. SCRABBLE: It's very simple --

13 MR. KALAJIAN: Well, let me finish.

14 When I get off your --

15 MR. CERESTE: You know, I'm going to
16 object. He's asking questions. He's got to let him
17 answer it.

18 MR. KALAJIAN: I'm going to let him answer
19 it. But, he's got to have the right question so he
20 can answer it right.

21 MR. CERESTE: Let him answer.

22 MR. KALAJIAN: I'm using your
23 measurements, all right, that came off this. And, it
24 comes out to 38.3.

25 Now, please, go ahead.

The Public -

1 MR. SCRABBLE: Very simple. This is math
2 we can all deal with right now.
3 The first floor on the new layout, 102.
4 Ridge line, 27.9. 25.9 feet between first floor
5 and ridge.
6 Are we good there?
7 MR. KALAJIAN: Go ahead. Assuming that's
8 right.
9 MR. SCRABBLE: Old plan, first floor, 104;
10 ridge, 130; 26 feet instead of 25.9. We cut it down
11 by an inch.
12 MR. KALAJIAN: How does --
13 MR. SCRABBLE: But, we also dropped it
14 down 2 feet.
15 MR. KALAJIAN: Admittedly, I'm not an
16 engineer. A ridge line stays static in these
17 instances.
18 You can keep juggling that number to your
19 benefit but the bottom line is --
20 MR. SCRABBLE: No.
21 MR. KALAJIAN: I'm not asking you a
22 question now.
23 When this gets built, gentlemen and ladies, it
24 will be 44 feet from Mauro Road to the top of that
25 house.

The Public -

1 They can disguise it any way they want but
2 that's what it is. It's an oversized building.
3 And, you asked me --
4 CHAIRMAN FEHRE: -- exhibit a hardship,
5 too much of a slope.
6 MR. KALAJIAN: No. No. I looked into
7 hardship because I was curious about that myself.
8 And, the examples I got, and I can give you a
9 case here, was about an undeveloped road in one
10 instance where the only other way that access could
11 get to the property was if this, this developer had,
12 had to pave the entire road. And, I don't know how
13 long that was. That's not this.
14 If it's an undue hardship -- you already have a
15 building on there.
16 CHAIRMAN FEHRE: But, it's a split level.
17 MR. KALAJIAN: Right.
18 CHAIRMAN FEHRE: Something you can't sell
19 anymore. Something --
20 MR. KALAJIAN: I addressed that. I said
21 all they have to do is take one of their two processes
22 here, drop it down.
23 I can take you to houses, I'm sure you guys have
24 seen, in town.
25 CHAIRMAN FEHRE: I actually live in one

The Public -

1 that has exposed one side on over three stories and
2 it's not that easy to build. I had the same
3 situation.
4 MR. KALAJIAN: There's one on the corner,
5 walking distance from here, gentlemen and ladies.
6 MR. DOOLY: It also comes down to, you
7 have a swimming pool that you have to start bailing
8 out. You have to have sump pumps.
9 MR. KALAJIAN: Yeah. I'm not saying no.
10 MR. DOOLY: We're not talking about here
11 either.
12 MR. KALAJIAN: I'm not happy about that
13 either. But, you asked me how could you build such a
14 structure --
15 MR. DOOLY: 6 and a half of another.
16 MR. KALAJIAN: There's a difference
17 because the sump pump, it's the developer's issue.
18 It's not impacting everybody around it.
19 MR. DOOLY: It's the person living there
20 that's not going to know better.
21 MR. KALAJIAN: No. No. --
22 MR. KATES: Mr. Kalajian, make your
23 points.
24 MR. KALAJIAN: I made my points.
25 CHAIRMAN FEHRE: Okay. Next witness or

1 next member of the public. Would anybody like to be
2 heard on this?
3 MR. NIKOW: Motion to close.
4 CHAIRMAN FEHRE: Nobody else would like to
5 be heard?
6 Then could I have a motion to --
7 MR. NIKOW: So move.
8 MR. CERESTE: Could I just be heard, just
9 briefly?
10 CHAIRMAN FEHRE: Yes.
11 MR. CERESTE: I'm not going to insult your
12 intelligence here. I think you basically understand
13 what the issues are with reference to this case.
14 I think, if nothing else, the developer in this
15 case went to great lengths to try to address this
16 whole issue with the height. And, this is, by any
17 standard, the classic definition for a variance. It's
18 not a bad word.
19 You know, you do have topographical conditions
20 here which vary anywhere from 6 feet to, I think you
21 said, 18 feet on this particular property. It's a
22 very difficult property to develop without having to,
23 without securing a variance.
24 In this case, the two D variances that we came
25 in with initially which have been eliminated and we

1 are literally within less than 3 feet on one and 2 on
2 the other.

3 The other variances I think are relatively di
4 minimus given the condition that we rotated the house.
5 We can't resolve the issue with the distance between
6 the window well and the boundary line on the south
7 side and the driveway width, I don't think is a major
8 issue here for this application.

9 But, what the applicant has done, I think this
10 is 4,600 square foot house. I have had other cases
11 here before this Board with lots commensurately a
12 little bit larger but very significant square footage.

13 He built a 4,600 square foot house on a lot
14 that's 9,200 square feet. It's about 20 percent more
15 than the lot requirement in the RB Zone. So, I don't
16 think, I don't think -- in this particular case, I
17 think this house is appropriate for this particular
18 site.

19 If we could do more with the height, obviously,
20 the applicant would have done so. I think we did the
21 best we could given the feedback from this Board in
22 terms of rotating the house and allowing us to,
23 allowing us to reconfigure this so that it could make
24 some sense.

25 I think the orientation on Sherwood is really

1 good. I think we have changed that. I think that's
2 appropriate.

3 We took advantage of the grade with the garages.

4 Granted, you have a little bit of a height issue
5 here on Mauro Road. We all admit that. We can't
6 resolve it.

7 We're not going to put the garage -- he's got a
8 12 percent pitch with this garage. He's going to sink
9 this house in and have a 20 percent pitch so that this
10 person has to virtually get an elevator to get his car
11 out of the garage? I don't think that's appropriate.
12 I think, in this particular case, the developer went
13 out of his way to provide, I think, the most feasible
14 plan for this particular site.

15 Is it perfect? We'd be the last to say so.

16 But, does it work? I think it works for this site.

17 I think the applicant deserves a little bit of
18 credit for what he's done in this particular case to
19 try to provide the Borough with what I think is an
20 appropriate building for a very difficult site.

21 CHAIRMAN FEHRE: Okay. Thank you very
22 much.

23 MR. KATES: Mr. Kalajian, you don't have
24 the last word.

25 CHAIRMAN FEHRE: We didn't, we --

1 MS. SCANCARELLA: He made a motion.

2 CHAIRMAN FEHRE: He made a motion.

3 Do we have a second?

4 MR. KILMARTIN: Yes.

5 CHAIRMAN FEHRE: Okay. All in favor.
6 (Aye)

7 Okay. In my opinion, this, this property
8 problem has been brought about solely by the
9 topography. I just happen to think that it is
10 definitely a hardship to build an Englewood Cliffs
11 type house on this lot which has over one story
12 difference in elevation. This is very significant.

13 So, one side is obviously going to be exposed
14 because this is not a fault of the builder. I think
15 it's a fault of the topography.

16 And, I, I do believe it does call for a height
17 variance.

18 So, I would ask for a motion to approve this
19 application.

20 Could I have a motion to approve?

21 MR. SURACE: I make a motion.

22 CHAIRMAN FEHRE: Could I have a second?

23 MR. NIKOW: I'll second.

24 CHAIRMAN FEHRE: Mr. Nikow, second.
25 Okay. Roll call.

1 MS. SCANCARELLA: Chairman Fehre.

2 CHAIRMAN FEHRE: Yes.

3 MS. SCANCARELLA: Mr. Kilmartin.

4 MR. KILMARTIN: No.

5 MS. SCANCARELLA: Mr. Nikow.

6 MR. NIKOW: Yes.

7 MS. SCANCARELLA: And, Mr. Surace.

8 MR. SURACE: Yes.

9 MS. SCANCARELLA: Three yeses, one no.

10 CHAIRMAN FEHRE: Then it's been approved.

11 MR. CERESTE: Thank you very much for your
12 time. I appreciate it.

13 MR. KALAJIAN: It needs five, six? No?

14 MR. KATES: No.

15 (The hearing concludes.)
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C E R T I F I C A T E

1
2 I CERTIFY that the foregoing is a true and
3 accurate transcript of the testimony and proceedings
4 as reported stenographically by me at the time, place
5 and on the date herein before set forth.

6 I DO FURTHER CERTIFY that I am neither a
7 relative nor employee nor attorney or counsel of any
8 of the parties to this action, and that I am neither a
9 relative nor employee of such attorney or counsel, and
10 that I am not financially interested in this action.

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ENGLEWOOD CLIFFS PLANNING BOARD
REGULAR MEETING – August 14, 2014 7:30 PM

10 Kahn Terrace, Englewood Cliffs, NJ

CALL TO ORDER

The meeting of the Englewood Cliffs Planning Board will come to order this (date). The time is (time).

OPEN PUBLIC MEETINGS ACT" STATEMENT

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace, Englewood Cliffs.

ROLL CALL

FLAG SALUTE LED BY:

APPROVAL OF MINUTES: June 12, 2014, July 10, 2014 & August 4, 2014

OLD BUSINESS:

Application #223K – Site Plan Approval with Variances
Investors Bank – 19 Sylvan Avenue – Block 134 - Lot 2
Denied – Resolution

Application #226K - Sign Variance
CFI 221, LLC/Bergen Protective Systems
325 Sylvan Avenue – Block 412 – Lot 2
Approved – Resolution

Application #232K - Height Variance
Bong I. Jung, d/b/a Bridgestone Construction, Inc.
60 Sherwood Avenue – Block 405 – Lot 3

NEW BUSINESS:

Application #233K - Site Plan Approval with Variances
Bank of New Jersey
744 Palisade Avenue – Block 512 – Lot 4,5,6

Application #235K - Site Plan Approval Cell Tower
NY SMSA Limited Partnership, d/b/a Verizon Wireless
580 Sylvan Avenue – Block 806 – Lot 9

Application #240K - Sign Variance
All Pro Motors, LLC – 380 Sylvan Avenue – Block 411 – Lot 18

COMMITTEE REPORTS

Master Plan Committee
Subdivision Committee
Site Plan Committee

PUBLIC COMMENTS OTHER THAN HEARING ON THIS AGENDA

ADJOURNMENT

ORIGINAL

PLANNING BOARD

BOROUGH OF ENGLEWOOD CLIFFS

IN THE MATTER OF THE APPLICATION OF CFI 221, :
LLC/BERGEN PROTECTIVE SYSTEMS FOR : MEMORIALIZATION RESOLUTION
VARIANCES RELATING TO SIGNAGE ON LOT 2 IN : APPLICATION NO. 226K
BLOCK 412, 325 SYLVAN AVENUE :

WHEREAS, CFI 221, LLC / BERGEN PROTECTIVE SYSTEMS, with offices at the subject property, 325 Sylvan Avenue, applied on or about January 17, 2014 to the Planning Board of the Borough of Englewood Cliffs for signage requiring variances as hereinafter set forth; in the "B-2" Limited Business Zone; and

WHEREAS, public hearings were conducted on March 25, 2014 and June 12, 2014, upon proper notice certified by applicant's proof of service to property owners within a 200-foot radius of the subject property and proof of publication in an official newspaper of the Borough; and

WHEREAS, applicant was represented by Nicholas G. Sekas, Esq. of the Sekas Law Group, LLC, 530 Sylvan Avenue, Englewood Cliffs, NJ 07024; and

WHEREAS, the only interdepartmental communication of a municipal department or agency was Denial of Application by Paul Renaud, Zoning Officer, dated December 24, 2014, for the reasons stated therein; and

WHEREAS, admitted into evidence were the following exhibits:

Exhibit A-1 – Signage drawings consisting of seven sheets, prepared by CAD Signs, 169 Lodi Street, Hackensack, NJ 07601, entitled Signage Proposal #2, dated June 3, 2013; and

ATES NUSSMAN RAPCONE
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ATTORNEYS-AT-LAW
190 MOORE STREET
SUITE 308
HACKENSACK, N.J.
07601-7407

- Exhibit A-2 – Photograph of Amore Tuscan Grill taken by owner and principal Bergen Protective Systems, Joseph Cloffi, 30 Sylvan Avenue, Englewood Cliffs, NJ;**
Exhibit A-3 – Photograph of sign of PNC Bank;
Exhibit A-4 – Photograph of Dental Sign at 325 Palisade Avenue;
Exhibit A-5 – Photograph of Monument view;
Exhibit A-6 – Photograph of Dental Sign at 325 Palisade Avenue;
Exhibit A-7 – Photograph of Bally's sign; and
Exhibit A-8 – Photograph of Toyota sign; and

WHEREAS, testimony in support of the application was given by Alex Galeano of CAD Signs and Joseph Cloffi, III, principal of the applicant; and Mary O' Shea, 12 Irving Avenue, who testified in opposition to the application; and

WHEREAS, the Planning Board did consider the testimony and evidence presented, the following are the findings of fact and conclusions of the Board:

1. Applicant has completed the renovation of its commercial building and now seeks to replace a monument or ground sign (hereinafter referred to as a "ground sign") having a 32 square foot sign-board or face, with a ground sign having a 34 sq ft sign-board. In addition, applicant seeks to add a 54 sq ft. wall sign where none exists, on the Sylvan Avenue facade of the free-standing, three-story building. The wall sign is not a sign board but rather back-lit channel letters spelling applicant's business name, "BERGEN PROTECTIVE SYSTEMS"¹, plus applicant's corporate logo, all within the architectural band on the face of the building. Applicant originally sought a second wall sign of similar construction and size on the Charlotte Place facade, the building being on a corner lot. But that second sign has been abandoned. The ground sign will identify applicant plus two tenants, as well as the "325" address. The proposed signs are illustrated in Exhibit A-1, prepared by CAD Signs.

2. The regulations restricting the size and number of signs are not set forth in the Englewood Cliffs Zoning Ordinance (Code Section XXX) but rather in Chapter 19 of the Code, entitled

¹ The applicant is CFI 221, LLC which is the owner of the property and Bergen Protective Systems, applicant's business entity, is one of the tenants.

"Signs, Billboards and Outdoor Advertising".² If not set forth in a zoning ordinance, a departure from the regulatory criteria would not be by zoning variance because they are not "zoning" criteria. They are something else. If the criteria were in a code section dealing with site plan review, a variance therefrom would be a "design waiver". Here, that conclusion is not so simple since the criteria are neither in the zoning chapter of the code or site plan chapter – they are in a separate chapter dealing with "Signs". The fact that applicant has characterized its application as one seeking zoning variances is not binding on the Board nor does it confer jurisdiction that the Board may otherwise lack. However, the Planning Board accepts its jurisdiction under the Zoning code and will treat the application as one seeking variances in the conventional sense because Chapter XXX ("Zoning") sets forth in Section 30-7 ("Supplementary Regulations"), Subchapter 30-7.5 ("Signs"), the following:

Signs in all zones shall be controlled by the Englewood Cliffs Sign Ordinance. (Ord. No. 8102; Ord. #9306, A VII)

By recognizing the signage criteria in the Zoning ordinance, the Board is being given express jurisdiction to deal with the criteria as zoning criteria.

Thus, this application implicates the following "variances", as forth in Code Section 19-16 ("Signs in B-2 Zones"):

The following kinds of signs and advertising shall be permitted in the B-2 Zones:

. . . c. Billboards or ground signs shall be permitted provided they do not exceed 32 square feet total sign area and shall in no event exceed four feet in height or eight feet in length . . .; and

Only one billboard or ground sign shall be permitted within the property boundary lines of any business establishment. No billboard or ground sign shall be located closer than 30 feet of any street or avenue line or within 20 feet of any lot line.

² An ordinance may very well be intended as a zoning regulation without saying so, but the codifier, retained by the Borough to collect and categorize by subject matter all ordinances into a single code, and may arbitrarily put the contents of the ordinance into a chapter other than "Zoning". In 2006, the Englewood Cliffs Zoning Board assumed it was dealing with a zoning variance in the sign application of Calabrese Realty at 457 Sylvan Avenue. At the time, Ordinance No. 8102, which is also applicable here, had not been codified.

A billboard is defined to include a wall sign on a building.³

4. Thus, applicant's proposed wall sign of 54 sq ft on the Sylvan Avenue side of the building exceeds the 32 sq ft limitation; and the proposed two signs exceed the limitation of one per commercial lot. The square footage of the proposed wall sign is not limited to the sizes of letters and logo but to the entire band width of the letters on the building. Length times height of the band width and length serve as background.

5. Mr. Galeano testified that the reason for increasing the ground sign's face board from a conforming 32 sq ft to 34 sq ft was to enhance visibility and to accommodate the business name and logo.

6. Joseph Cioffi, III added that the ground sign is not visible to northbound traffic on Sylvan Avenue, necessitating the second sign on the building, and that the additional square footage is due to the lengthy name of his business and logo. Mr. Cioffi offered several pictures as exhibits of comparable business signs in the Borough, Exhibits A-2 through A-8. He stated that the wall sign will be illuminated with LED's similar to the sign of Amore Tuscan Grill. In response to Chairman Mr. Fehre's concern for controlling brightness, Mr. Cioffi stated the sign would be no brighter than Amore Tuscan Grill or Central Kitchen.

7. Mr. Sekas stated that the applicant will comply with the timing restrictions for illuminated signs.

8. The ground sign will be in the same location as the existing ground sign. Landscaping has been deferred until the proposed ground sign is approved.

9. The Board concluded that there is a difference between office buildings and purely retail establishments or restaurants, as relating to advertising the occupants of the building. The Board interpreted the ordinance as associating ground signs with modern office buildings in the Borough, and concluded that applicant's desire to increase the square footage of its ground sign is reasonable, as the building's visibility is compromised and Sylvan Avenue is traveled at high rates of speed.

³ As per Code Sec. 19-3 "Definitions", "On-site advertising billboards" shall mean and include any and all erections annexed to the land or building in the nature of a fence, structure or a wall for the purpose of posting advertising bills and posters which advertise the business which the owner or lessee of the lands are conducting; or advertise the products sold by the owner or lessee of the land on the land. (Bold emphasis added)

10. Despite applicant's characterization of its business as "retail", where walls signs predominate in the Borough, applicant's building functions as an office building not as a retail establishment. Further, as related by Mary O'Shea of 12 Irving Avenue, Englewood Cliffs, buildings north of the subject property only have ground signs, other than car dealerships or restaurants; and all office buildings only have one ground sign identifying tenants or principal tenants and the address.

11. Based upon the foregoing, the Board is disinclined to allow the wall sign as a second sign, based upon the proofs presented. This is not to rule out the possibility of a wall sign for a free-standing office building, based upon demonstrated need. The Board is clear that the size of the proposed wall sign is excessive and unjustified.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Englewood Cliffs, that the ground sign with the back lighting only be approved and that the wall sign be denied. The approval is subject to the following conditions:

A. All representations made by applicant or its agents shall be deemed conditions of this approval and any misrepresentations by applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

B. The action of the Planning Board in approving this application shall not relieve Applicant of responsibility for any damages caused by this project, nor does the Planning Board of the Borough of Englewood Cliffs, or its reviewing professionals and agencies, accept any responsibility for design of the proposed improvement or for any damages that may be caused by this development.

MOTION BY: MR. KILMARTIN

SECONDED BY: MR. CHINMAN

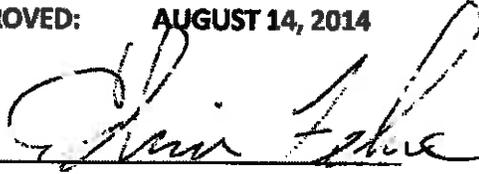
IN FAVOR: MR. KILMARTIN, MR. CHINMAN, MR. FEHRE, MR. TROVATO, MR. AVERSA, MR. S. KIM, MR. SURACE, and MR. K. KIM

OPPOSED: NONE

ATES NUSSMAN RAPONE
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ATTORNEYS-AT-LAW
90 MOORE STREET
SUITE 306
HACKENSACK, N.J.
07601-7407

DATE APPLICATION APPROVED: JULY 12, 2014

DATE RESOLUTION APPROVED: AUGUST 14, 2014



**EDWIN FEHRE, CHAIRMAN
PLANNING BOARD**

ATTEST:



**CATHY SCANCARELLA
PLANNING BOARD SECRETARY**

STEFAN NUSSMAN
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**BOSWELL McCLAVE ENGINEERING**

ENGINEERS ■ SURVEYORS ■ PLANNERS ■ SCIENTISTS

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VIA FACSIMILE AND E-MAIL

July 2, 2014

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Revised Plot Plan Review
60 Sherwood Avenue
Block 405, Lot 3
Our File No. ECES-1337

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Planning Board , Borough of Englewood Cliffs, Application Form dated April 14, 2014 inclusive of an Impact and Evaluation Statement (containing Exhibit A - The Construction/Zoning Official's Letter of Denial dated March 31, 2014 and Exhibit B - Photographs) prepared by the Applicant's Attorney.
- b. Certification of Taxes Paid, dated April 14, 2014.
- c. Authorization and Consent, dated April 14, 2014.
- d. Certification on Restrictions and Covenants, dated April 14, 2014.
- e. Architectural Plan Set (5 sheets) entitled, "Proposed De Leo Residence for 60 Sherwood Avenue, Englewood, NJ, Block 405, Lot 3" as prepared by Stephani De Carlo Pantale, RA, Architect dated March 13, 2014, last revised May 203, 2014 (sic) consisting of the following drawings:
 - > Drawing No. A1: Elevations
 - > Drawing No. A2: Elevations
 - > Drawing No. A3: Foundation Plan
 - > Drawing No. A4: First Floor Plan
 - > Drawing No. A5: Second Floor Plan

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The Applicant shall provide revised drawings depicting the correct Borough name (Borough of Englewood Cliffs, not Englewood) on each drawing and correct the revision date, not 5/203/2014. Revised Architectural Drawings have not been received. The Board should be aware the May 2014 Architectural Drawings are not coordinated with the June 2014 Site Plan revision and dwelling rotation.

- f. Engineering Plans (2 sheets) entitled, "Soil Erosion & Sediment Control, & Site Plan, Block 405, Lot 3, #60 Sherwood Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," as prepared by Thomas W. Skrable, P.E., dated March 20, 2014, last revised June 24, 2014.

Based upon our review of the above referenced documents, drawings and recent site inspections, we offer the following comments:

General

1. The Applicants/Owners in this matter are:
Bong I. Jung d/b/a Bridgestone Construction Inc.
61 Oakwood Lane
Englewood Cliffs, New Jersey 07632

The Applicant should notify the Board of any change in the above mentioned information.

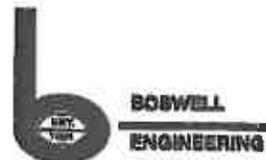
2. Block 405, Lot 3 (the "Site") is a corner lot located on the southeasterly corner of the intersection of Sherwood Avenue and Mauro Drive. The Applicant proposes to raze the existing building, remove associated improvements as well as a rear yard patio and raised porch, and construct a new single family dwelling. Also proposed are a front yard uncovered porch and walkway at the Sherwood Avenue elevation, a patio at the southerly side yard, an asphalt paver driveway from Mauro Road, a 4 ft. maximum height unit masonry retaining wall and onsite drainage improvements.

Land Use

3. The property is located, in the R-B Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.
4. Since the Site is a corner lot, it shall have a Front Yard, Rear Yard, Corner Side Yard and Side Yard. According to the Englewood Cliffs Code, the narrower side of the lot abutting a street, regardless of the location of the principal entrance of the building shall be considered the front yard. Therefore, Mauro Drive shall be considered the Front Yard and the Sherwood Avenue side of the property shall be considered the Corner Side Yard. Boswell McClave engineering takes no exception as to how the Applicant delineated the various yards.

Variances and Waivers

5. The Construction/Zoning Official's Letter of Denial was based on an earlier site plan submission. We note the June 24, 2014 Site Plan Revision rotates the dwelling as had been



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discussed at the Board's May meeting. The following variances are required and the Board should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:

- a. **Maximum Building Height:** In residential zones building height shall be thirty (30) feet (measured by taking the four (4) corner elevations and the four (4) midpoint elevations and dividing them by eight (8) by utilizing the house box) of the existing grade or the finished grade, whichever is greater. In any event the height of the measure from the mean curb level to the highest point of the building shall not be more than thirty-two (32) feet exclusive of chimneys. The proposed building height requires the following variances:
- 34.7 feet measured of the mean curb level versus the maximum allowable 32 feet. 2.7 ft. building height variance is required.
 - 31.9 ft. measured from the lower of the average existing or finished grade versus the maximum allowable 30 feet. A 1.9 ft. building height variance is required.

We also note an additional variance:

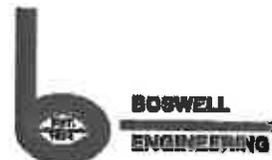
- b. The Site Plan identifies a variance condition for Front Yard Coverage at 38.4%. This variance is not applicable since the 35% coverage requirement relates to a circular driveway which is not proposed. However, we note an additional variance:

Driveway Width and Cut: Driveway access to any residential lot shall be limited to a driveway width and out of no more than sixteen (16) feet per single vehicle driveway and no more than twenty-two (22) feet for a two (2) or three (3) car wide driveway. The driveway width approximately scales to 33 ft. at the building, 30 ft. at the property line and 23 ft. at the curb. A variance is required.

Also note that the slope of the driveway is proposed at 12% maximum down gradient from the garage floor to the curb.

Stormwater Management

6. Drainage calculations have been submitted on the site plan in support of the proposed stormwater management improvements. We take no exception to the calculations.
7. Should the Planning Board look favorably upon this application, a soil log and percolation test shall be performed at the exact locations of the proposed seepage pits to substantiate the soils acceptance of such a system and to determine the elevation of groundwater and rock.
8. The installation of the stormwater management facility shall not be allowed to commence until this office has received and reviewed the aforementioned tests for acceptance. A note to this effect should be indicated on a revised plan.
9. The Applicant shall contact this office at least 48 hours prior to the installation of the seepage pits in order for this office to schedule the inspection of same. No Certificate of Approval shall be issued unless this office has inspected and accepted the drainage system. A note to this effect should be indicated on a revised plan.



Borough of Englewood Cliffs

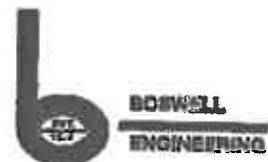
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10. A note shall be placed on the plans indicating, no drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
11. As noted on the plans, overflow tees with vermin screens and splash blocks shall be located on the roof leader downspout has been provided on the plans, as required.
12. A note shall be placed on the drawings with regard to the property owners being responsible for maintenance of the stormwater management facilities and that periodic maintenance of at least twice annually, as well as, after every major storm event greater than 2 inches.

Additional Comments

13. The site plan should show the width of the dropped curb along Sherwood Avenue and the driveway width at the property line. The Applicant shall provide testimony.
14. The application form addendum reference a survey dated March 20, 2014. We have not received this Boundary and Topographical Survey. Please provide.
15. The Impact and Evaluation Statement states that there is a basement that consists of finished areas located behind a three (3) car garage. The basement area contains a Bedroom with Full Bath and a Home Theater. None of this information with the exception of the finished area of the basement has been presented in the Impact and Evaluation Statement and therefore the statement should be amended. Also the plan notes an oversized two car garage.
16. The first floor area contains a Dining Room, Living Room, Bedroom with Full Bathroom, Great Room, Kitchen/Dinette Area. The architectural drawing (Drawing No. A4) also depicts a full bathroom associated with the Bedroom that is not contained in the Impact and Evaluation Statement. The Applicant has provided testimony with regard to this discrepancy. The applicable document should be corrected.
17. In accordance with Section 30-7.15 of the Borough Code, any demolition activity of one or more structures and/or any new disturbance activity involving more than 5,000 square feet of area within the site, including the construction of one single-family dwelling or other project, the Applicant should contact the Bergen County Soil Conservation District (BCSCD) for their review of the application and obtain a Soil Erosion and Sediment Control Plan Certification.
18. Soil movement calculations have been provided. This development will require 720 c.y. of export material.
19. Soil erosion control measures shall be maintained throughout the course of construction.
20. According to the engineering drawings, five (5) trees are indicated for removal. No shade trees are being proposed to be planted. The Borough's Shade Tree and Environmental Commissions shall review/comment with regard to this plan. The review is required to ensure that any removal of selected trees and the preservation of trees to remain are in



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- accordance with the Borough Code. Furthermore, a note to this effect annotated on the engineering drawing.
21. The Applicant is reminded the proposed rear yard patio cannot exceed six (6) inches above the surrounding grade. In the event the patio elevation exceeds 6 inches above surrounding grade the building coverage calculations are affected.
 22. As noted on the plans, the installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
 23. In the event the existing sanitary sewer connection is to be utilized, the Borough requires video inspections of the existing sanitary lines to ensure the adequacy of the line. As noted on the plans, the applicant shall provide a DVD of the video inspection of the sanitary line to the Superintendent of Public Works prior to Certificate of Occupancy. Also, all connections shall be discussed with the DPW Superintendent for his concurrence. A note to this effect is annotated on the engineering drawing.
 24. The plan indicates the applicant is responsible for the replacement of all curbing along the property frontage. All necessary curb replacement and damaged paving shall be installed to the satisfaction of the Superintendent of Public Works. A note to this effect is annotated on the engineering drawing.
 25. The Applicant shall undertake, at the time of foundation completion, a foundation location survey inclusive of setback dimensions and top of "Block" elevation which shall be submitted to the Borough for review. A note to this effect should be indicated on a revised plan.
 26. The Applicant shall survey the Roof Ridge Elevation upon completion of framing. Compliance verification with the allowable roof ridge elevation is required prior to commencement of roof sheathing. A note to this effect should be indicated on a revised plan.
 27. The Applicant shall provide testimony to the roof pitches as they are not indicated on the elevations nor has a roof plan been included. Any roof pitch over the main portion of the dwelling for new construction less than 3 ½ on 12 is considered a flat roof and is not allowed.
 28. Building height certification shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Occupancy. A note to this effect should be indicated on a revised plan.
 29. An As-Built Survey shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Approval. A note to this effect should be indicated on a revised plan.
 30. The engineering drawing depicts a 4 ft. high maximum retaining wall being proposed along the southerly property line. The Applicant shall be made aware of the following:
 - The Applicant must be made aware that all retaining walls greater than four feet (4 ft.) in exposed height require retaining wall stability calculations to be provided by a



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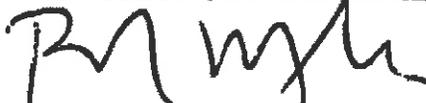
Professional Engineer licensed in the State of New Jersey, signed and sealed, for the Municipality's review and approval prior to construction.

- All retaining walls greater than four feet (4 ft.) constructed on-site will require a certification of a licensed Professional Engineer that he/she has provided on-site inspection during the wall construction, proper methods were utilized in the construction, the wall has been constructed in accordance with the approved design drawings, the wall has been properly stabilized and the wall will be adequate for the intended purpose. Inspecting engineers must also certify appropriate batter, heights and locations have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Municipal Engineer.
31. The Applicant provided testimony that a generator is not proposed.
 32. This Site Plan indicates a window well. The architectural plans do not show a window well. Please provide additional testimony.
 33. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/EFS/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehra, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Bong L. Jung d/b/a Bridgestone Construction Inc.
Thomas W. Skrabble, P.E.
Stephanie De Carlo Pantale, R.A.
Saverio V. Cereste, Esq., via fax & mail
John Englese

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VIA FACSIMILE AND E-MAIL

July 7, 2014

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Revised Architectural Plan and
Planning Board Review
60 Sherwood Avenue
Block 405, Lot 3
Our File No. ECES-1337

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of copies of the following document:

- a. Planning Board , Borough of Englewood Cliffs, Application Form dated April 14, 2014 inclusive of an Impact and Evaluation Statement (containing Exhibit A - The Construction/Zoning Official's Letter of Denial dated March 31, 2014 and Exhibit B – Photographs) prepared by the Applicant's Attorney.
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 - Drawing No. A2: Elevations
 - Drawing No. A3: Foundation Plans
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The Applicant shall provide revised drawings depicting the correct Borough name (Borough of Englewood Cliffs, not Englewood) on each drawing.

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Based upon our review of the above referenced documents, drawings and recent site inspections, we offer the following comments:

General

1. The Applicants/Owners in this matter are:

Bong I. Jung d/b/a Bridgestone Construction Inc.
61 Oakwood Lane
Englewood Cliffs, New Jersey 07632

The Applicant should notify the Board of any change in the above mentioned information.

2. Block 405, Lot 3 (the "Site") is a corner lot located on the southeasterly corner of the intersection of Sherwood Avenue and Mauro Drive. The Applicant proposes to raze the existing building, remove associated improvements as well as a rear yard patio and raised porch, and construct a new single family dwelling. Also proposed are a front yard uncovered porch and walkway at the Sherwood Avenue elevation, a patio at the southerly side yard, an asphalt paver driveway from Mauro Road, a 4 ft. maximum height unit masonry retaining wall and onsite drainage improvements. The second floor master bedroom now extends 5 ft. beyond the below structure over the dinette room on the first floor.

Land Use

3. The property is located, in the R-B Residential Single Family Zoning District. Single Family dwellings are considered a permitted use in this zoning district.
4. Since the Site is a corner lot, it shall have a Front Yard, Rear Yard, Corner Side Yard and Side Yard. According to the Englewood Cliffs Code, the narrower side of the lot abutting a street, regardless of the location of the principal entrance of the building shall be considered the front yard. Therefore, Mauro Drive shall be considered the Front Yard and the Sherwood Avenue side of the property shall be considered the Corner Side Yard. Boswell McClave engineering takes no exception as to how the Applicant delineated the various yards.

Variances and Waivers

5. The Construction/Zoning Official's Letter of Denial was based on an earlier site plan submission. We note the June 24, 2014 Site Plan Revision rotates the dwelling as had been discussed at the Board's May meeting. The following variances are required and the Board

should request comments from the Board Attorney regarding the requirements for variances or waivers for the following:

- a. **Maximum Building Height:** In residential zones building height shall be thirty (30) feet (measured by taking the four (4) corner elevations and the four (4) midpoint elevations and dividing them by eight (8) by utilizing the house box) of the existing grade or the finished grade, whichever is greater. In any event the height of the measure from the mean curb level to the highest point of the building shall not be more than thirty-two (32) feet exclusive of chimneys. The proposed building height requires the following variances:
 - 34.7 feet measured of the mean curb level versus the maximum allowable 32 feet. **2.7 ft. building height variance is required.**
 - 31.9 ft. measured from the lower of the average existing or finished grade versus the maximum allowable 30 feet. **A 1.9 ft. building height variance is required.**
- b. **Minimum Rear Yard:** The required minimum rear yard is 25 ft. The distance to the window well structure is 6.8 ft. and 9.8 ft. to the dwelling wall. **A variance is required.**

We also note an additional variance:

- c. The Site Plan identifies a variance condition for Front Yard Coverage at 38.4%. This variance is not applicable since the 35% coverage requirement relates to a circular driveway which is not proposed. However, we note an additional variance:
Driveway Width and Cut: Driveway access to any residential lot shall be limited to a driveway width and cut of no more than sixteen (16) feet per single vehicle driveway and no more than twenty-two (22) feet for a two (2) or three (3) car wide driveway. The driveway width approximately scales to 33 ft. at the building, 30 ft. at the property line and 23 ft. at the curb. **A variance is required.**

Also note that the slope of the driveway is proposed at 12% maximum down gradient from the garage floor to the curb.

Stormwater Management

6. Drainage calculations have been submitted on the site plan in support of the proposed stormwater management improvements. We take no exception to the calculations.
7. Should the Planning Board look favorably upon this application, a soil log and percolation test shall be performed at the exact locations of the proposed seepage pits to substantiate the soils acceptance of such a system and to determine the elevation of groundwater and rock.
8. The installation of the stormwater management facility shall not be allowed to commence until this office has received and reviewed the aforementioned tests for acceptance. A note to this effect should be indicated on a revised plan.
9. The Applicant shall contact this office at least 48 hours prior to the installation of the seepage pits in order for this office to schedule the inspection of same. No Certificate of

Approval shall be issued unless this office has inspected and accepted the drainage system. A note to this effect should be indicated on a revised plan.

10. A note shall be placed on the plans indicating, no drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner's own cost.
11. As noted on the plans, overflow tees with vermin screens and splash blocks shall be located on the roof leader downspout has been provided on the plans, as required.
12. A note shall be placed on the drawings with regard to the property owners being responsible for maintenance of the stormwater management facilities and that periodic maintenance of at least twice annually, as well as, after every major storm event greater than 2 inches.

Additional Comments

13. The site plan should show the width of the dropped curb along Sherwood Avenue and the driveway width at the property line. The Applicant shall provide testimony.
14. The application form addendum reference a survey dated March 20, 2014. We have not received this Boundary and Topographical Survey. Please provide.
15. The Impact and Evaluation Statement states that there is a basement that consists of finished areas located behind a three (3) car garage. The basement area contains a Bedroom with Full Bath and a Home Theater. None of this information with the exception of the finished area of the basement has been presented in the Impact and Evaluation Statement and therefore the statement should be amended.
16. The first floor area contains a Dining Room, Living Room, Bedroom with Full Bathroom, Great Room, Kitchen/Dinette Area. The architectural drawing (Drawing No. A4) also depicts a full bathroom associated with the Bedroom that is not contained in the Impact and Evaluation Statement. The Applicant has provided testimony with regard to this discrepancy. The applicable document should be corrected.
17. In accordance with Section 39-7.15 of the Borough Code, any demolition activity of one or more structures and/or any new disturbance activity involving more than 5,000 square feet of area within the site, including the construction of one single-family dwelling or other project, the Applicant should contact the Bergen County Soil Conservation District (BCSCD) for their review of the application and obtain a Soil Erosion and Sediment Control Plan Certification.
18. Soil movement calculations have been provided. This development will require 720 c.y. of export material.
19. Soil erosion control measures shall be maintained throughout the course of construction.
20. According to the engineering drawings, five (5) trees are indicated for removal. No shade trees are being proposed to be planted. The Borough's Shade Tree and Environmental Commissions shall review/comment with regard to this plan. The review is required to ensure that any removal of selected trees and the preservation of trees to remain are in

accordance with the Borough Code. Furthermore, a note to this effect annotated on the engineering drawing.

21. The Applicant is reminded the proposed rear yard patio cannot exceed six (6) inches above the surrounding grade. In the event the patio elevation exceeds 6 inches above surrounding grade the building coverage calculations are affected.
22. As noted on the plans, the installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance.
23. In the event the existing sanitary sewer connection is to be utilized, the Borough requires video inspections of the existing sanitary lines to ensure the adequacy of the line. As noted on the plans, the applicant shall provide a DVD of the video inspection of the sanitary line to the Superintendent of Public Works prior to Certificate of Occupancy. Also, all connections shall be discussed with the DFW Superintendent for his concurrence. A note to this effect is annotated on the engineering drawing.
24. The plan indicates the applicant is responsible for the replacement of all curbing along the property frontage. All necessary curb replacement and damaged paving shall be installed to the satisfaction of the Superintendent of Public Works. A note to this effect is annotated on the engineering drawing.
25. The Applicant shall undertake, at the time of foundation completion, a foundation location survey inclusive of setback dimensions and top of "Block" elevation which shall be submitted to the Borough for review. A note to this effect should be indicated on a revised plan.
26. The Applicant shall survey the Roof Ridge Elevation upon completion of framing. Compliance verification with the allowable roof ridge elevation is required prior to commencement of roof sheathing. A note to this effect should be indicated on a revised plan.
27. The Applicant shall provide testimony to the roof pitches as they are not indicated on the elevations nor has a roof plan been included. Any roof pitch over the main portion of the dwelling for new construction less than 3 ½ on 12 is considered a flat roof and is not allowed.
28. Building height certification shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Occupancy. A note to this effect should be indicated on a revised plan.
29. An As-Built Survey shall be provided by a licensed Land Surveyor in the State of New Jersey prior to the issuance of a Certificate of Approval. A note to this effect should be indicated on a revised plan.
30. The engineering drawing depicts a 4 ft. high maximum retaining wall being proposed along the southerly property line. The Applicant shall be made aware of the following:
 - The Applicant must be made aware that all retaining walls greater than four feet (4 ft.) in exposed height require retaining wall stability calculations to be provided by a

Professional Engineer licensed in the State of New Jersey, signed and sealed, for the Municipality's review and approval prior to construction.

- All retaining walls greater than four feet (4 ft.) constructed on-site will require a certification of a licensed Professional Engineer that he/she has provided on-site inspection during the wall construction, proper methods were utilized in the construction, the wall has been constructed in accordance with the approved design drawings, the wall has been properly stabilized and the wall will be adequate for the intended purpose. Inspecting engineers must also certify appropriate batter, heights and locations have been respected pursuant to the approved design drawings. Copies of these certifications are to be forwarded to the Municipal Engineer.

31. The Applicant provided testimony that a generator is not proposed.

32. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Bong I. Jung d/b/a Bridgestone Construction Inc.
Thomas W. Skrabble, P.E.
Stephanie De Carlo Pantale, R.A.
Saverio V. Cereste, Esq., via fax & mail
John Englese

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VIA EMAIL

June 11, 2014

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Site Plan Review
Bank of New Jersey
744 Palisade Avenue
Block 512, Lot 4, 5 & 6
Our File No. ECES-1340

Dear Ms. Scancarella:

Boswell McClave Engineering is in receipt of the following information relative to the above referenced application:

- a. Application to Englewood Cliffs Planning Board, dated April 28, 2014.
- b. Site Plan set (9 Sheets) entitled, "Preliminary/Final Site Plan, Bank of New Jersey, Block 512, Lot 4, 5 & 6, Tax Map #5, 744 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," prepared by Bertin Engineering, April 23, 2014 (unless otherwise noted), and consisting of the following:

<u>Sheet No.</u>	<u>Description</u>
C1.0	Cover Sheet
C2.1	Demolition and Soil Erosion Control Plan
C2.2	Site Plan
C2.3	Grading, Utility, Drainage & Soil Erosion Control Plan
C2.4	Landscape & Lighting Plan
C2.5	Truck Circulation Plan
C3.1	Site Details, dated April 11, 2014
C3.2	Drainage Details, dated April 11, 2014
SV-1	Boundary & Topographic Survey, dated November 20, 2012

- c. Architectural Plan set (4 Sheets) entitled, "Bank of New Jersey, 750 East Palisade Avenue, Englewood Cliffs, New Jersey," prepared by Architectura, dated April 22, 2014, and consisting of the following:

<u>Sheet No.</u>	<u>Description</u>
A-100	Ground Floor Plan
A-101	Second Floor Plan
A-200	Proposed Exterior Elevations
A-201	Proposed Exterior Elevations

- d. Drainage Report entitled, "Stormwater Drainage Calculations, Bank of New Jersey, Block 512, Lot 4, Tax Map #5, 745 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, NJ," prepared by Bertin Engineering, April 23, 2014.
- e. Maintenance Report entitled, "Stormwater Operation & Maintenance Manual, Bank of New Jersey, Block 512, Lot 4, Tax Map #5, 745 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," prepared by Bertin Engineering, April 23, 2014.

Inconsistent information is provided for the properties address. The Planning Board Application indicates the property address to be 744 Palisade Avenue. This is consistent with Borough records. The Architectural Plans should be revised accordingly.

Based on our review of the above information and recent site inspections Boswell offers the following comments:

General

1. The Applicant in this matter is:

Bank of New Jersey
1365 Palisade Avenue
Fort Lee, New Jersey 07024

The Applicant should notify the Board of any changes in the above referenced information.

2. The Owner in this matter is:

EC Acquisition, LLC and EC Acquisition II, LLC
Both c/o 287 Bowman Avenue
Purchase, New York 10577

The Owner should notify the Board of any changes in the above referenced information.

3. Block 512, Lots 4, 5 & 6 (the "Site") is located on the south western corner of the intersection of Palisade Avenue and Hudson Terrace and with lots 5 & 6 extends the full block to the south with frontage on Kahn Terrace. The Site if fully developed and contains a vacant building. The building was previously utilized as a retail banking operation. The site is located in the B-4 Restricted Commercial Zone. Access and egress point to the property are located on Palisade Avenue and Hudson Terrace.
4. The Applicant proposes to add a second story addition, renovate the existing building, modify the existing parking area and utilize the drive-through facility. Also, proposed are a one-way access from Palisade Avenue and a two way access/egress from Hudson Terrace. The proposed use is a retail banking operation and a tenant office use.

Submission Status

5. This Application submittal is deemed *complete* with respect to engineering matters for a site plan submission, as outlined in Section 30-9.4 of the Zoning Code of the Borough of Englewood Cliffs and the Administrative Site Plan Checklist.

Land Use

6. Banks without drive-in facilities and business offices, professional offices and governmental offices are permitted uses with the B-4 Zone. Banks with drive-in facility are a conditional use. The Board may wish to seek comment from the Board Attorney.

Variances/Nonconformities

7. The property contains existing nonconformities and the Applicant is requesting variances summarized as follows:
 - a. Minimum Rear Yard Setback – 20% of lot depth (Schedule A). The Application Description states 44.6 feet is required and 12 feet is proposed. However, Zoning Notes on Drawing No. Cl.0 states 41.6 feet is required and the existing/proposed is 39.8 feet. **Please address and provide testimony on this discrepancy.**
 - b. Minimum Side Yard Setback (One) – 10 feet required (Schedule A). The Application Description states 9 feet is proposed. However, Zoning Notes on Drawing No. Cl.0 states that 20.9 feet is proposed. **Please address and provide testimony on this discrepancy.**
 - c. Minimum Side Yard Setback (Both) – 22 feet required (Schedule A). The Application Description states 9 feet is proposed for the combined side yards. However, Zoning Notes on Drawing No. Cl.0 indicates 159.8 feet is proposed. **Please address and provide testimony on this discrepancy.**

- d. Corner Side Yard – 12 feet required (Schedule A). The Application Description states 0 feet is proposed. However, Zoning Notes on Drawing No. C1.0 indicates 20.9 feet is proposed. Please address and provide testimony on this discrepancy.
- e. Minimum Front Yard – 30 feet required (Schedule A). 23.1 feet is proposed.
- f. Front Yard Parking: No Parking in Front Yard allowed (§39-10.1.i.). Parking within the front yard is proposed.
- g. On-Site Parking Spaces: 66 spaces required (see below calculations). 47 proposed.
- h. Parking Space Setback: Minimum Parking Setback from Lot Line, 10 ft required (§39-10.2.g.), 19 feet is proposed.

The Applicant shall be prepared to provide testimony and address the various discrepancies noted above.

The Applicant shall be prepared to provide testimony demonstrating satisfaction of the positive and negative criteria for the MLUL Sections 70c(1) – ‘Hardship Variance’ and c(2) – ‘Flexible Variance’ (Substantial Benefit).

Off-Street Parking

8. The number of off-street parking spaces required is as follows.
 - a. Banks and Office Use: 1 parking space for 200 square feet
Accordingly, $13,072.1$ (1st & 2nd Floor) sf / 200 sf = 66 required parking spaces and 47 spaces provided.
 - b. The accessible parking spaces must be in conformance to the ADA Guidelines inclusive of striping and signage.
9. The Applicant has submitted truck circulation plans to confirm a garbage truck can adequately access the garbage dumpster and a fire truck can access the site and building. The Applicant shall also provide testimony with regard to this matter. The Fire Department should review and comment. We recommend that the Fire Official be requested to review the proposed Site Plan for review and comment.

Stormwater Management

10. Drainage calculations submitted in support of the proposed stormwater management improvements onsite are being reviewed by our hydrology department and comments will be submitted under separate cover.
11. No drainage from this property shall affect adjacent properties both during and subsequent to construction. Should any adjacent property be affected by runoff from this property, the Owner shall be responsible to remedy the matter at the owner’s own cost.

12. The Applicant is reminded the property owners are responsible for maintenance of the stormwater management facilities at least twice annually, as well as, after every major storm event.
13. The Applicant should be aware that a contribution for the Borough's Stormwater Capital Improvements Project is suggested for the additional impervious area.
14. The Applicant shall provide testimony to the conformance to the Borough's Stormwater/Green Committee the use of various "Stormwater/Green" design elements such as cisterns, rain gardens, green roofs, etc. The Applicant should be aware that a contribution for the Borough's Stormwater Capital Improvement projects may be requested.
15. The Landscape Plan is being reviewed by our landscape architect and our comments will be forwarded under separate cover. The Board may wish to seek comment from the Environmental and Shade Tree Commissions.

Site Plan

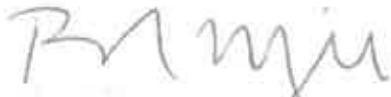
16. Soil movement calculations should be provided.
17. The handicapped ramps located along both Palisade Avenue and Hudson Terrace are proposed to be replaced conforming, as required.
18. If the existing sanitary sewer lateral is proposed to be utilized, the Applicant should perform a video inspection of the existing sanitary sewer to determine the condition of the pipe. The scheduling of this video inspection shall be coordinated with the Borough Superintendent of Public Works and Engineer's office.
19. The installation of the proposed improvements shall comply with any and all applicable Federal, State and local requirements, including Section 9-22 of the Borough of Englewood Cliffs Zoning Ordinance. A note to this effect shall be added on a revised set of drawings.
20. The Bergen County Planning Board shall review these drawings and the Applicant shall receive comments from the jurisdictional agency or a Letter of No Interest since Palisade Avenue and Hudson Terrace are County roads.
21. The applicant shall be prepared to provide testimony regarding proposed signage onsite including conformance to Borough Code requirements.
22. Three new trees are proposed, one (1) flowering Dogwood in the proximity of the Hudson Terrace right-of-way and two (2) Red Maples along the westerly property line. The Applicant shall review with the Environmental and Shade Tree Commission.

23. The Applicant should provide testimony regarding existing/proposed lighting in this area (Chapter 30-9.4k). The Applicant is reminded, all lights directly facing a neighboring property or public roadway shall be shielded.
24. The Applicant shall be aware that soil erosion control measures must be maintained throughout construction.
25. The Applicant is reminded that a Final As-Built Survey is required to be submitted for review prior to the issuance of a Certificate of Approval.
26. Any other issues the Planning Board deems necessary.

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via e-mail
Michael B. Kates, Esq., via fax & e-mail
Englewood Cliffs Police Department
Englewood Cliffs Fire Department
Englewood Cliffs Fire Official
Bank of New Jersey
EC Acquisition, LLC
EC Acquisition, II, LLC
Mark J. Sokolich, Esq., via fax and mail
Bertin Engineering, via fax and mail
Architectura

140611AMGL 1 doc





VIA EMAIL

June 16, 2014

Borough of Englewood Cliffs
482 Hudson Terrace
Englewood Cliffs, New Jersey 07632

Attention: Ms. Cathy Scancarella, Planning Board Secretary

Re: Stormwater Management and Landscape Review
Bank of New Jersey
744 Palisade Avenue
Block 512, Lot 4, 5 & 6
Our File No. ECES-1340

Dear Ms. Scancarella:

In addition to our June 11, 2014 letter on Site Plan Review, Boswell McClave Engineering notes the following:

1. Item 10 of our review letter indicated stormwater management review comments are to be submitted under separate cover. Our Hydrology Department has reviewed the following listed plans, calculations report and manual prepared by Bertin Engineering:
 - * A set of plans entitled "Preliminary and Final Site Plan, Bank of New Jersey, Block 512, Lots 5 and 6, Tax Map #5, 744 East Palisade Avenue, Borough of Englewood Cliffs, Bergen County, New Jersey," in 9 sheets, dated April 11, 2014, revised April 24, 2014, unless otherwise noted and consisting of:
 - "Cover Sheet," Drawing C1.0
 - "Demolition and Soil Erosion Control Plan," Drawing C2.1
 - "Site Plan," Drawing C2.2
 - "Grading, Utility, Drainage & Soil Erosion Control Plan," Drawing C2.3
 - "Landscape & Lighting Plan," Drawing C2.4
 - "Truck Circulation Plan," Drawing C2.5
 - "Site Details," Drawing C3.1, unrevised
 - "Drainage & Grading Details," Drawing C3.2, unrevised
 - "Boundary & Topographic Survey," Drawing SV-1, dated November 20, 2012, last revised June 18, 2013.

- * "Stormwater Drainage Calculations", dated April 23, 2014. Attached to the calculations are Existing and Proposed Drainage Area Maps.
- * "Stormwater Operation & Maintenance Manual", dated April 23, 2014.

Based on this review, please note:

- a. The Boundary & Topographic survey covers Lots 4, 5 and 6. The title block on this map which refers to Lot 4 only should be changed accordingly.
 - b. The Stormwater Operation & Maintenance Manual refers to regular maintenance which is undefined. The frequency of inspection should be explicitly noted.

Also, the inspection form refers to low tide. Since there is no tidal influence at the site, the form should be revised to avoid ambiguity.
 - c. The size of header pipes for the detention system should be specified on Drawing C-3
 - d. The storage volume calculations for the detention basin should be revised to include the headers. If the headers are also 24" pipes, the detention storage will be 15% more than the calculations indicate.
 - e. To lessen maintenance, we strongly recommend using an orifice no smaller than a 6" in diameter in any underground detention system. The proposed 4" orifice should be upsized accordingly.
 - f. Routing computations should be revised following comments d and e above. Considering that the peak discharge from the detention basin lags the peak runoff from undetained area, a 6" orifice may achieve the required flow reductions from the site.
 - g. It should be clarified that discharge calculations from the low flow orifice are based on an orifice coefficient of 0.6. The Pond report tends to imply that the calculations are based on a Manning's roughness coefficient of 0.013.
 - h. In lieu of underground detention system, we suggest that the runoff from an approximately 600 feet of roof is directed to the landscape area easterly and northerly of the building. This will adequately address the increased runoff due to 423 ft² (32,340 – 31,917) incremental pavement. The suggested modification will also eliminate the need for a detention system and its maintenance.
2. As noted in our June 11, 2014 letter under item 15, the Landscape Plan has been reviewed by our landscape expert and our comments on the attached memo dated June 13, 2014 from Marisa Tiberi, P.E., C.L.D., C.M.E. and marked up plan. The Board may wish to seek comment from the Environmental and Shade Tree Commissions.

Borough of Englewood Cliffs
June 16, 2014
Page 3 of 3

Thank you for your kind attention to this matter. Should you have any questions or require anything further, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Bernard N. Mirandi, P.E.

BNM/amg
Attachments

cc: Paul Renaud
Environmental Commission
Shade Tree Commission
Mark Neville
Ed Fehre, via e-mail
Michael B. Kates, Esq., via e-mail
Englewood Cliffs Police Department
Englewood Cliffs Fire Department
Englewood Cliffs Fire Official
Bank of New Jersey
EC Acquisition, LLC
EC Acquisition, II, LLC
Mark J. Sokolich, Esq.
Bertin Engineering
Architectura

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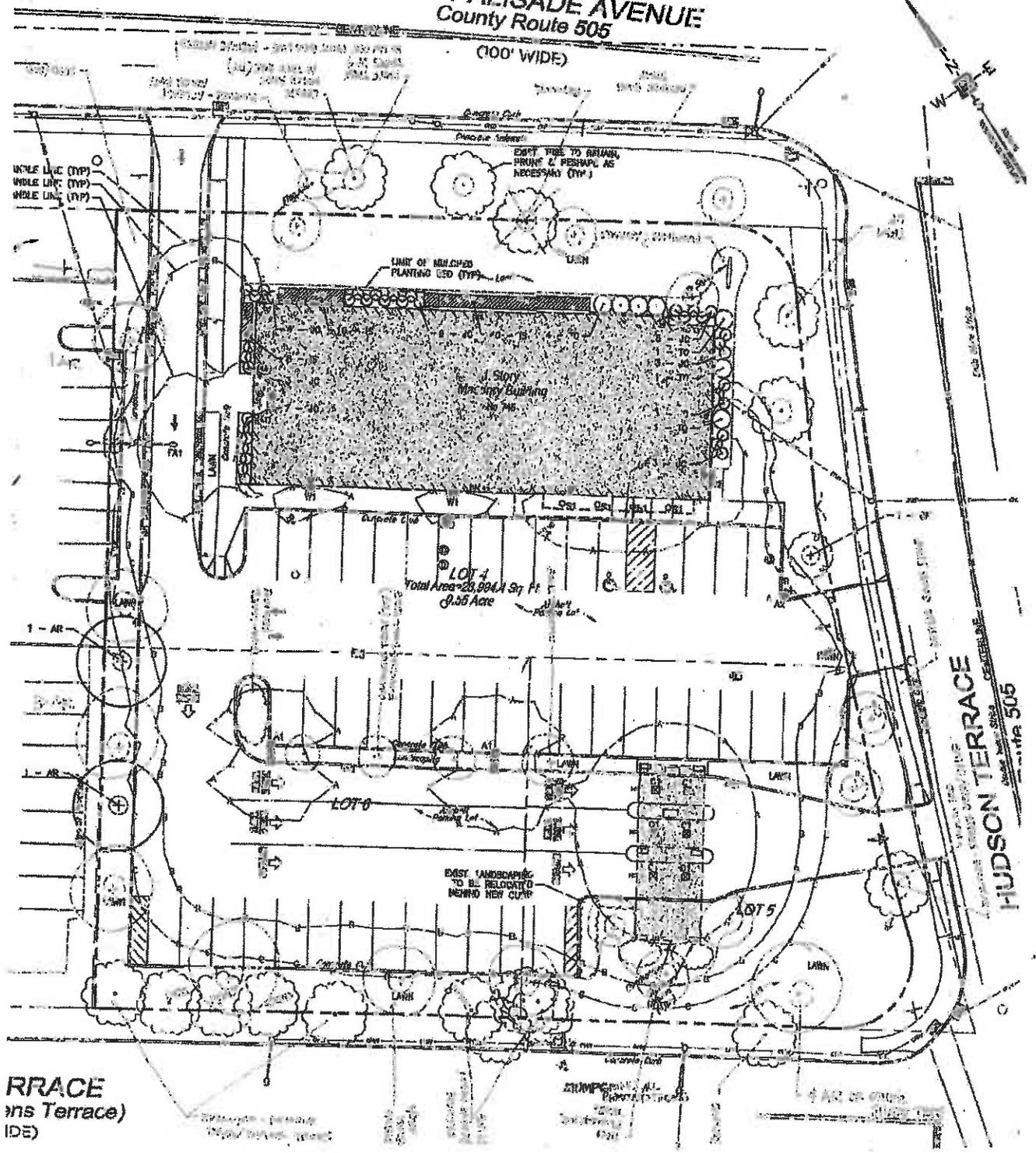
June 13, 2014

9. A TOTAL OF FOUR (4) SHADE TREES ARE RECOMMENDED ALONG THE WESTERN LAWN PARKING ISLAND. ALL TREES ARE TO HAVE A MULCH RING AT THEIR BASE.
10. A TOTAL OF FOUR (4) COLUMNAR SMALL FLOWERING TREES ARE RECOMMENDED TO BE PLANTED WITHIN THE LAWN ISLAND SEPARATING THE DRIVE THROUGH LANES FROM THE PARKING.
11. THE EXISTING EVERGREEN SHRUB AT THE WEST END OF THE PARKING ISLAND SEPARATING THE DRIVE THROUGH FROM THE PARKING IS RECOMMENDED TO BE TRIMMED TO LOWER IT'S OVERALL HEIGHT AND RESHAPED.
12. THE NORTHERNMOST EXISTING TREE WITHIN THE FRONT YARD AREA ALONG HUDSON TERRACE IS RECOMMENDED TO BE TRIMMED UP FOR 8 TO 10 FOOT CLEARANCE.
13. THE LARGE EXISTING 42 INCH TREE SOUTH OF THE DRIVE THROUGH EXIT IS RECOMMENDED TO BE EVALUATED. IT IS A BEAUTIFUL TREE HOWEVER APPEARS TO BE IN DECLINE. A MULCH RING AT ITS BASE IS RECOMMENDED SHOULD THE TREE BE EVALUATED AS HEALTHY TO REMAIN. IF THE TREE IS DEAD/OR DYING A MINIMUM 4 INCH CALIPER REPLACEMENT SHADE TREE IS RECOMMENDED. ALL MEASURES SHOULD BE TAKEN TO SAVE THIS TREE.
14. TWO (2) CORNUS FLORIDA TREES ARE RECOMMENDED TO BE PLANTED BETWEEN THE VEHICLE ACCESSES OFF HUDSON TERRACE.
15. MANY OF THE EXISTING TREES ALONG THE SOUTHERN PROPERTY LINE ARE DEAD AND OR DYING. ALL THESE TREES SHALL BE EVALUATED AND ANY IN DECLINE SHOULD BE REMOVED, WITH THE STUMPS GRINDED TO BELOW GRADE. FOUR (4) SHADE TREES ARE RECOMMENDED ALONG THIS SOUTHERN PROPERTY LINE, PLANTED WITHIN THE PROPERTY LIMITS, AWAY FROM THE OVERHEAD WIRES, AND PROVIDING SHADE TO THE PARKING AREA.
16. THE EXISTING EVERGREEN SHRUBS ADJACENT TO THE DRIVE THROUGH AREA SHALL BE INTERCONNECTED WITH A CONTINUOUS PLANTBED, AND THREE (3) SMALL FLOWERING TREES ARE RECOMMENDED. ONE INBETWEEN THE SOUTHERNMOST SHRUBS, ONE TO THE WEST OF THE THOSE SHRUBS AND ONE TO THE RIGHT OF THOSE SHRUBS.
17. THE LAWN AREA ALONG THIS SOUTHERNMOST PROPERTY AREA SHALL BE RESTORED. ALL TREES SHALL HAVE A MULCH RING AT IT'S BASE.
18. PLEASE ADDRESS MEASURES FOR WEED GROWTH CONTROL AND MAINTENANCE.
19. A PERFORMANCE BOND AND 2 YEAR GUARANTEE IS RECOMMENDED FOR THIS LANDSCAPING IMPROVEMENT.

WE HAVE ATTACHED A MARK UP IN EFFORTS TO CLARIFY THE COMMENTS CONTAINED HEREIN.

PLEASE NOTE, THE INSTALLATION OF THE LANDSCAPING IMPROVEMENTS ONSITE IS RECOMMENDED TO BE INSPECTED BY OUR OFFICE. SCHEDULING OF SAME SHALL BE PROVIDED WITH A MINIMUM 48 HOUR NOTICE.

EAST PALISADE AVENUE
County Route 505



RRACE
ns Terrace)
(DE)

HUDSON TERRACE
COUNTY ROUTE 505
COUNTY ROUTE 505



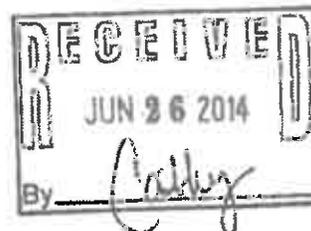
ENGLEWOOD CLIFFS FIRE PREVENTION OFFICE

P.O. BOX 981 ENGLEWOOD CLIFFS, NJ 07632
(201) 768-4890 FAX (201) 768-4890

Office of the Fire Official

June 25, 2014

Boswell McClave Engineering
330 Phillips Avenue
P.O. Box 3152
South Hackensack, NJ 07606
Attn: Bernard N. Mirandi, P.E.



Re: Site Plan for Bank of America
744 E. Palisade Avenue
File No. ECES-1340

Dear Mr. Mirandi:

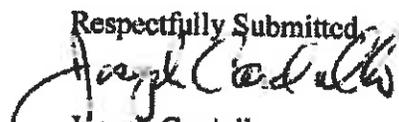
As fire official I have reviewed the reduced down site plan from your Memorandum, dated 6/13/2014 for the proposed 2 story structure at the above-reference site.

Be advised the showed fire lane markings along both side of the curblines starting from the main entrance driveway off of E. Palisade Avenue to a southerly direction ending at the parking lot entrance is being approved.

Note: Marking of the roadway shall be required indicating "NO PARKING FIRE LANE" and shall include at least four (4) NO PARKING FIRE LANE" signs.

If you require any further information, please do not hesitate to contact me at (201) 768-4890.

Respectfully Submitted,


Joseph Cardullo,
Fire Official

cc: Planning Board Secretary